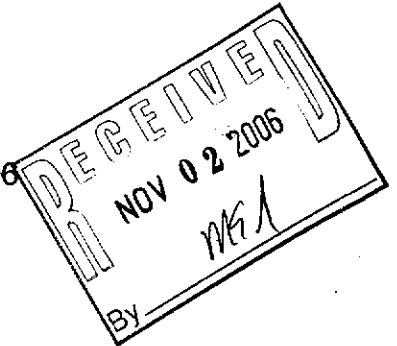


**COUNTY OF VENTURA  
ENVIRONMENTAL HEALTH DIVISION  
LOCAL ENFORCEMENT AGENCY**

**INDEX OF DOCUMENTS FOR  
THE COMPLETE ADMINISTRATIVE RECORD  
OF THE ADMINISTRATIVE HEARING  
FOR APPEAL OF  
THE LOCAL ENFORCEMENT AGENCY (LEA)  
CEASE AND DESIST ORDER  
ISSUED TO WAYNE FISHBACK ON MAY 11, 2006**



**DOCUMENTS:**

1. Appellant's May 26, 2006 request for hearing to appeal Cease and Desist Order
2. LEA's June 6, 2006 Response to Appeal filed by appellant
3. Appellant's July 18, 2006 Hearing Brief and Exhibits
4. LEA's August 29, 2006 Reply Brief to the July 18, 2006 Appellant's Brief
5. LEA Exhibits submitted to the Hearing Officer at the July 20, 2006 appeal hearing
6. Compilation of closing briefs:
  - a. Appellant's Closing Brief, September 18, 2006
  - b. LEA's Final Closing Brief, September 18, 2006
  - c. Hearing Officer NOTICE OF DECISION, September 22, 2006
7. Hearing Transcripts:
  - a. June 21, 2006 Hearing
  - b. July 20, 2006 Hearing
  - c. August 31, 2006 Hearing

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JUL 18 2006

July 18, 2006

Jim Delperdang  
Hearing Officer  
County of Ventura  
800 So. Victoria Ave.  
Ventura CA 93009

Re: Fishback Appeal from Cease and Desist Order of Environmental Health Division  
Hearing Set for July 20, 2006 at 9:00 a.m.

Dear Mr. Delperdang:

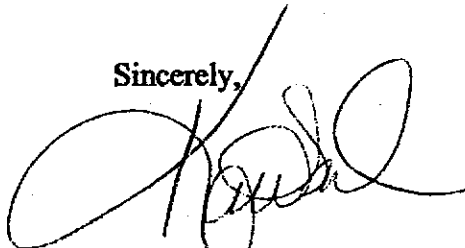
We enclose the appellant's hearing brief in this matter, along with a binder of exhibits for the hearing itself.

However, we would like to alert you to the fact that a **short continuance** is necessary. We received information from the Environmental Health Division that they suspected regulated materials, including asbestos, may have been used in the erosion control work at the Fishback Ranch. In order to deal with this allegation, we ordered soils tests and the written report will not be ready in time for the hearing.

In addition, Mr. Fishback has hired an expert named Kelly Astor who will not be available on Thursday, July 20<sup>th</sup>. We would suggest a two-to-three week continuance, re-scheduling the hearing for the week of August 7<sup>th</sup>. Mr. Astor is available on August 8<sup>th</sup>, 9<sup>th</sup> or 11<sup>th</sup>, if you could please accommodate his schedule.

Thank you.

Sincerely,



Kate M. Neiswender

KATE M. NEISWENDER  
LAW OFFICE OF K.M. NEISWENDER  
Post Office Box 24617  
Ventura, California 93002  
voice: 805/649-5575  
fax: 805/649-8188

In re:

WAYNE FISHBACK,

Appellant,

) APPELLANT'S BRIEF  
) CONCERNING CEASE AND  
) DESIST ORDER BY THE  
) ENVIRONMENTAL HEALTH  
) DIVISION

)  
)  
) Hearing Date: July 20, 2006  
)

**I. Introduction**

Wayne Fishback owns or controls about 120 acres of agricultural property in the Simi Hills. During the 2004-2005 rains, huge landslides occurred, and since March of 2005, he has been doing erosion control and hillside stabilization work, all with the assistance of a civil engineer. To accomplish this, he has utilized certain material salvaged from other construction sites. Fishback has a permit to do this work from the Ventura County Resource Conservation Department, which oversees agricultural grading and erosion control work under the County Hillside Erosion Control Ordinance, or HECO. Despite the HECO permit, the Environmental Health Division asserts that the laws and ordinances that govern "solid waste" apply. There is no basis in law or fact for this determination.

The material used in the erosion control and slope stabilization work is dirt, clean concrete, uncontaminated asphalt and rubble, material that is separated at the point of generation. It never enters the "waste stream and is therefore not regulated by the Ventura County Environmental Health Division. Such material is defined by the Integrated Waste Management

Act as "reuse" material. It is diverted from the waste stream and exempt from regulation under the Act.

Regarding the evidence presented: we have provided the Hearing Officer with a binder in which we have placed the evidence referenced in this Brief, as well as pertinent statutes, website pages from the California Integrated Waste Management Board and other materials. When we reference a document, the number listed is the tab number in the binder.

## **II. History of the Property and Appellant's Erosion Control Work**

In 2000, Wayne Fishback and his wife Carol began to acquire real property in the Simi Hills. Eventually, the Fishbacks obtained title to approximately 20 acres, and control of another 100 acres through a purchase agreement. The land runs parallel to and on the northwest side of the North American Cutoff for approximately one mile by one thousand feet. The Fishbacks used the land for agricultural purposes, which includes a cattle and horse breeding operation. Hereinafter, this land will be referred to as the "Ranch."

The Fishbacks worked the Ranch through the winter of 2004-2005, when there were very heavy rains which caused major landslides and sediment run-off. After examining the area alone and with experts, Wayne Fishback decided to undertake a grading operation beginning in March of 2005. Prior to commencing work, Fishback contacted County Planning, County Grading, the Resource Conservation Department ("RCD"), the Environmental and Energy Resources Department, and the County Environmental Health Division ("EHD") to ensure he was conforming to or exempt from all permitting requirements. Fishback employed a civil engineering firm to design and inspect the work to insure that the grading met all applicable state and local laws. In furtherance of this work, Fishback allowed the deposit of clean fill on the Ranch, which consisted of dirt, fully cured concrete, stucco, and brick. This clean fill was used in the erosion control work, and was put into place only after advice and counsel from two civil engineering firms. At the height of the erosion control work, no more than thirty (30) trucks per

day would deliver clean fill to the Ranch; at no time did Fishback accept payment from anyone for the deposit of clean fill on the Ranch. At no time was anything other than clean fill accepted at the Ranch. Each load of fill was examined by Ranch personnel to insure that it did not contain any materials that did not fit the definition of clean fill. Exhaustive documentation has been provided to EHD to support these facts.

In the spring of 2005, after Fishback had received verbal "OKs" from the County to move ahead with grading, a local environmental activist named Todd Doherty began to disseminate emails and other correspondence concerning the Fishback's Ranch, and the erosion control work. Doherty told Bill Stratton and others at the EHD that the Fishbacks were operating an "illegal dump," that the Fishbacks were destroying the environment in the Simi Hills, that they were allowing the dumping of 150 trucks per day of refuse, that they had deposited a half-million cubic yards of fill in the canyons on the Ranch, and that they had been paid millions of dollars by truckers for the dumping. Further, Doherty represented to others that Wayne Fishback had "stolen" land from Irma Murray, an elderly woman. Copies of some of these emails and letters can be found at Tab 4. Much of the public agency interest in the Ranch during 2005/2006 appears to have been generated by Doherty.

All the information spread by Doherty is false. The Fishbacks have never accepted any money for the dirt and concrete used in the erosion control work (however, the Fishbacks have incurred expenses associated with placement of the fill). There have never been more than 30 trucks a day going to the Fishback property, and that number is far above the average. To date, there has been a maximum of 20,000 cubic yards of fill used to stabilize the hillsides. As for Irma Murray, she has been dead for many years; her 90 year-old daughter still owns the property in question. There has never been any trash dumped at the Ranch or any neighboring property. The only material used in the erosion control work is clean fill.

Doherty's underlying purpose in spreading this misinformation about the Fishbacks appears to be linked to a desire to obtain the Fishback land for permanent open space. Doherty's

emails have been sent to the Santa Monica Mountains Conservancy and the Santa Susana Mountains Park Association, claiming the Fishback Ranch must be made part of the Sage Ranch habitat area, in order to protect the Simi Hills. Because Doherty's emails are false, accusing the Fishbacks of illegal activity and the "theft" of land, Doherty and others have been sued by the Fishbacks for Defamation in Ventura County Superior Court (Tab 5).

From the time grading commenced in spring 2005 through January of 2006, Fishback remained in contact with various County agencies, including Public Works. Between January of 2005, when Fishback first went to the County inquiring about permits, and January of 2006, numerous state and County officials had visited the Ranch; much of the interest seems to have been generated by Doherty's emails. Department of Fish and Game Lieutenant Chris Long spent five hours on the Ranch and informed Fishback that there were no violations of the Fish & Game Code. Fishback also spoke with officials at the Regional Water Quality Control Board, who did two inspections. Keith Mashburn of Supervisor Judy Mickels' office toured the site numerous times as did Dale Dean of the RCD. Fishback also spoke with Jim Meyers in the County's Development & Inspection Division, and Pandee Leachman at the Ventura County Environmental and Energy Resources Division, who told Fishback that the County is actively encouraging agricultural operations to utilize the type of clean fill for erosion control, specifically because it keeps such materials out of County landfills. None of the official agencies contacted by Fishback between early 2005 and January of 2006 informed him that he was acting in violation of law, except for Jim Meyers who issued a violation for alleged grading improprieties in May of 2005, but later rescinded the notice in August of 2005 after a meeting with Fishback, Fishback's civil engineer (Phil Sherman of Hawks & Associates), and Ray Gutierrez.

Through late 2005 and into early 2006, Fishback stayed in contact with the RCD which told him his activities were either exempt as routine agricultural grading, or fell within the County's Hillside Erosion Control Ordinance (also known as "HECO"); the HECO is at Tab 2 in the binder. RCD asked Fishback to stay in contact with them, in order to insure that his

continuing activities did not violate the County's HECO. Fishback continued to provide updates to RCD, and was told on more than one occasion that his work fell under the agricultural exemptions (see HECO section 2.011(a), Tab 2). In January of 2006, RCD informed Bill Stratton of the Environmental Health Division that HECO covered the type of activities carried out by Fishback, and that "requiring all HECO applicants to file with EHD is redundant and adds an unnecessary step..." (Tab 3).

Thus, as of today, after more than a year of erosion control work, supported by engineering from a registered civil engineering firm, no County or state agency was claiming Fishback was involved in any illegal or improper activity at the Ranch, with the exception of EHD. EHD's interest was triggered in December of 2005.

In response to a complaint letter written by Doherty to the Governor's office in December of 2005, the EHD began inquiring about the "solid waste" being deposited onto the Ranch. Due to Doherty's continuous harassment, past litigation between Fishback and the County's Resource Management Agency, and questionable representations by EHD as to the extent of its authority, Fishback submitted a formal application to RCD for a written exemption or an approved plan<sup>1</sup>. As noted above, Fishback received an approved HECO plan (Tab 1).

Nevertheless, EHD sent a letter to Fishback on February 2, 2006, in which EHD accused Fishback of disposing of "solid waste" on the Ranch (Tab 6). That letter failed to inform Fishback that he was being investigated as a result of a complaint by Todd Doherty. Fishback responded On February 15, 2006 (Tab 7), objecting to the use of the term "solid waste," and explaining that the regulations do not affect his right to effect erosion and stabilization repairs on his agricultural property. On February 22, 2006, Bill Stratton, Richard Hauge and Diane Hall of EHD toured the Ranch, accompanied by Kitty Oliver and Bill Marciniak of the California

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<sup>1</sup> Based on conversations with RCD personnel and a review of the HECO, Fishback did not believe, and still does not believe, that a formal HECO permit was needed, as his land fell within the 10% exemption. Nevertheless, out of an abundance of caution, he applied for an obtained a HECO permit.

Integrated Waste Management Board, and Keith Mashburn of Supervisor Judy Mickels' office. During the site visit, both Marcinaik and Stratton were asked why they were involved, when the Ranch work fell under the HECO. Marciniak replied: "I don't care about HECO." Stratton's comment was "HECO is a local ordinance. A County ordinance is what it is. Has nothing to do with this."

Stratton and Marciniak were also asked about diversion regulations which govern the reuse of inert materials (such as that used in the Ranch erosion control work). Stratton responded, "I don't have an answer for you because we [EHD] are not involved with the diversion goals, if you will, it is a separate County agency which is responsible for how the County meets its [AB] 939 diversion goals." Later during the site visit, Fishback specifically asked why EHD was not coordinating his enforcement with County ordinances regarding diversion, and he replied: "Can't answer that because my department doesn't enforce that portion of that code." As a result of that site visit, Stratton of EHD wrote Fishback a letter, claiming Fishback may be operating a solid waste disposal facility at the Ranch, and asking for more information ( Tab 8).

Fishback responded on March 17, 2006 (Tab 9), providing citations to state codes and regulations, and local ordinances, and informing EHD that until the situation could be straightened out, no further fill would be accepted for the erosion control work unless it was free of concrete, rubble, stucco and brick; i.e., only dirt would be accepted on the Ranch. Specifically, Fishback informed EHD of the provisions in the California Code of Regulations that exempted erosion control work of the type conducted on the Ranch, as well as the RCD determination that the Fishbacks' work was allowed under HECO.

EHD responded April 4, 2006, refusing to acknowledge the citations and other information provided by Fishback in the March letter. In the April 4<sup>th</sup> letter, EHD made a formal determination that Fishback was operating a solid waste disposal facility, and claimed that a Type A Inert Debris solid waste registration tier permit was required (Tab 10). EHD refused to

) acknowledge that the Fishbacks were operating within the diversion regulations promulgated by the California Integrated Waste Management Board and the County's own Environmental and Energy Resources Division. EHD refused to even respond to the fact that Fishback had obtained clearances for the erosion control work from RCD, the Environmental and Energy Resources Division, Public Works, Fish & Game, and other agencies. On May 12, 2006, EHD has issued a "Cease and Desist" order. It is the April 4, 2006 determination and the May 12, 2006 Cease and Desist letter which are being challenged by the Fishbacks in this appeal.

On May 15, 2006, RCD approved the Fishbacks' plan for the erosion control and hillside stabilization work being performed at the Ranch (Tab 1). The plan includes a Stormwater Pollution Plan, a Mulching Plan, an Irrigation Water Plan, A Pest Management Plan, a Nutrient Management Plan, and – in the Engineering Section – requires hydrology calculations and engineering plans. The HECO Plan states:

) "The objective is to protect the resource base and develop a sustainable pasture for the breeding operation. And also by addressing sediment and drainage concerns through the use of essential and needed conservation management and engineering practices. . . . ¶ . . . The Ventura County RCD limits the number of listed inert materials to clean, stable items that can be engineered for stability and enhance the agricultural base."

Thus, the hillside stabilization and erosion control work being conducted by Fishback was contemplated under state and local laws and ordinances. In essence, EHD wants to "repeal" all these laws in order to placate an environmental activist who has been spreading misinformation about the Fishbacks' operation in order to further his own agenda.

### III. Applicable Law

The questions in this appeal center around what is "waste" and what is not waste. Oddly, it can be best expressed in the axiom, "One man's trash is another man's treasure." That old

saying was used to describe this problem in the California Supreme Court case of *Waste Management Inc. v. Palm Springs Recycling Center* (1994) 7 Cal. 4<sup>th</sup> 478, one of the few California cases that address this issue.

In that case, Waste Management had the exclusive contract to pick up all the trash in Palm Springs. But there was a little company that encouraged people to bring their recyclables to Palm Springs Recycling Center, where they would get paid for bottles and cans. Waste Management tried to shut them down, saying Waste Management's contract was for all the trash in the City, and that the recycling center was taking what rightfully belonged to Waste Management.

The Supreme Court agreed with the Recycling Center, saying that until a citizen put their cans and bottles in the garbage bins in front of their house, the bottles and cans belonged to them, and they could do what they chose with those materials. Until a bottle or can is put in a trashcan, it is not "waste." Instead, it is a valuable material that can be sold.

The Supreme Court held that the Integrated Waste Management Act of 1989 repeatedly references "solid waste," "solid waste handling," "recycling of solid waste," and the like, strongly indicating "the Legislature was concerned with just what it said – waste – and not materials of economic value to their owner." (7 Cal. 4<sup>th</sup> at 485).

In support of the conclusion that something is not "waste" if it has independent value to the owner, the owner has not discarded it, and the material can be either recycled or reused, the Supreme Court cited to cases from across the United States. The holding was very clear: if something has value, is not discarded by the owner but is reused or recycled, then it is not "waste" and not subject to the Integrated Waste Management Act (a complete copy of the *Waste Management* case is at Tab 11).

The statutes and the regulations echo this conclusion. The Integrated Waste Management Act is codified in the Public Resources Code at §§40000 *et seq.* The regulations that support of the Act are located at 14 C.C.R. §§17000 *et seq.*

Diversion of materials away from the waste stream is one of the key goals of the Integrated Waste Management Act. Section 42000 states the Legislative purpose behind the diversion goals:

"This division requires cities and counties to divert 25 percent of all solid waste from landfills and transformation facilities by 1995 and 50 percent by 2000. As of 1990, the overall diversion rate in the state was 12 percent."

In order to accomplish this goal, reuse and recycling was declared a primary goal of the state.

The websites established by the Integrated Waste Management Board also emphasize reuse and recycling. From the Waste Board's "Zero Waste California" webpage:

"Imagine a "Zero Waste California"—it is an image and philosophy that rings with hope and prosperity for the future of our Golden State.

"California is a state rich in natural resources and has an environment unlike any other, and those resources need to be protected. In that effort, **Zero Waste California** stretches beyond our previously imagined goals. . . .

Californians know how to "reduce, reuse, and recycle." . . . Zero Waste is based on the concept that wasting resources is inefficient and that efficient use of our natural resources is what we should work to achieve. It requires that we **maximize** our existing recycling and reuse efforts, while ensuring that products are designed for the environment and have the potential to be repaired, reused, or recycled.

"The success of Zero Waste requires that we **redefine the concept of 'waste'** in our society. In the past, waste was considered a natural by-product of our culture. Now, it is time to recognize that proper resource management, not waste management, is at the heart of reducing waste sent to landfills." (Tab 12)

Zero waste and efforts to reuse or recycle is a stated goal of the Waste Board. There is a webpage specifically devoted to reuse:

"Welcome to the Reuse Web site of the California Integrated Waste Management

**Board! The purpose of this Web site is to educate and motivate people to think of material reuse as the first option in diverting unwanted materials from California landfills.**

**"Reuse is defined as using an item over again in its current form without significant processing that alters its material structure.**

**"Reuse is the second step in the waste reduction hierarchy of "reduce, reuse, recycle" and plays an important role in programs to divert waste from California landfills, as required by state law."**

The Waste Board defines "reuse" as "using an object or material again, either for its original purpose or for a similar purpose, without significantly altering the physical form of the object or material." The Waste Board notes that reuse of materials means those materials never become "waste": "Waste is defined as material for which no use or reuse is intended. Thus, reuse prevents objects and materials from becoming waste. Therefore, reuse is considered to be a form of waste prevention." (Tab 12) The County of Ventura actually provides a website for exchange and barter of reuse materials, including dirt, brick, broken concrete and asphalt, in order to "keep viable, reusable goods out of the landfill" (Tab 16). In addition, the County distributes flyers to encourage agricultural operations to utilize construction debris in erosion control work (Tab 16)

The definitions and explanation quoted above are the Waste Board's own definitions. Reuse materials are not waste and therefore are not regulated as waste. A recent bill, Senate Bill 1374 (Kuehl, 2002), required the Waste Board to draft a model construction and demolition (C&D) diversion ordinance, in order to assist local jurisdictions with diverting their C&D waste material. In that model ordinance, the following statement of intent was drafted by the Waste Board:

**"Acknowledge that certain material types generated from certain types of projects (for example, concrete and asphalt generated from demolition projects) may**

already be diverted because of economic incentives, and therefore such projects are exempt from the ordinance." (Tab 13)

Nothing can be more clear. The Ventura County ordinance (4308) uses the same language. Construction material, of the exact type used in the Fishback Ranch erosion control project, is exempt from Ventura County Ordinance 4308. Based on the "Director's List of Recyclables," it is reuse material, not solid waste (Tab 18). It is not subject to the Integrated Waste Management Act, nor the County's ordinances that purport to enforce and effectuate the Waste Management Act. Fishback's work is not subject to regulation by the EHD.

As noted above, in order to effectuate the purposes of the Integrated Waste Management Act, the Waste Board promulgated regulations. Those are found at Title 14 of the California Code of Regulations. Under the regulations, certain activities are exempt from regulation.

Under Article 5.9 of the regulations (14 CCR §17380 *et seq*), the Fishback activities should be exempt from regulation. Section 17380(g) exempts from regulation the use of construction and demolition materials (such as the materials delivered to the Fishback Ranch), as long as those materials are incorporated into new construction:

**"This article does not apply to persons who generate C&D [construction and demolition] debris or inert debris in the course of carrying out construction, remodeling, repair, demolition or deconstruction of buildings, roads and other structures, (collectively, 'construction work') at the site of the construction work or to persons who own the land, buildings and other structures that are the object of the construction work, provided that such persons do not accept at the site any C&D debris or inert debris that is generated at any other location, unless it will be used in the construction work, and provided further that such persons do not allow C&D debris or inert debris, other than C&D debris or inert debris that is used in the construction work, to remain on the site of the construction work after the construction work is completed. For example, public works agencies**

constructing roads and bridges, road repair, airport runway construction, bridge and roadway work, levee work, flood control work, or landslide debris cleanup, and public or private contractors demolishing or constructing buildings are not subject to these regulations during the course of the construction work..

The Fishback erosion control activities are "construction" under that Article (see, above, e.g., levee work and flood control work) and therefore use of the demolition materials are fully exempt. In §17402.5(c)(8), the plain language of that section appears to exempt Fishback's work from regulation:

"(c) Activities included in one of the following definitions are not subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter, provided that these activities do not include the acceptance of solid waste which has not been separated for reuse. If an activity defined in this section is accepting solid waste which has not been separated for reuse, it must meet the requirements of subdivision (d) of this section or else it shall be subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter. . .

...

"(8) 'Reuse Salvage Operation' means a person or business entity which sterilizes, dismantles, rebuilds, or renovates, nonputrescible separated-for-reuse materials, and that recovers for recycling or reuse distinct material types that have not been commingled with other materials before they enter the waste stream. Examples of this activity include, but are not limited to, wire choppers, and dismantlers of furniture and mattresses, and 'brown goods' such as computer equipment, VCRs, and televisions."

The materials delivered to the Fishback Ranch come directly from contractors. Most of the material is from the demolition of patios, driveways, sidewalks or swimming pool excavations, in which clean dirt, clean concrete and similar rubble is trucked off the construction site for use in

the Fishback construction. These activities are exempt from regulation by the plain language of the regulations.

In order to assist in the review of this matter, Appellants provide at Tab 14 a section-by-section analysis of the Public Resources Code, the regulations and the Ventura County ordinances. The charts show how the language in the code mirrors the regulations, and how the definitions are used.

Because the erosion control work is permitted under the HECO, and because the work is exempt from regulation under the Title 14 of the California Code of Regulations, EHD had no right to issue a cease and desist letter to the Fishbacks, and their grading must be allowed to continue.

#### **IV. County's Mis-Interpretation of Law**

Waste Management (in the *Waste Management v. Palm Springs Recycling Center* case cited in the previous section) relied heavily on Public Resources Code §40191. The EHD also rests its case on that same section (see page 1 of the June 6, 2006 letter to the Hearing Officer), and that reliance is similarly misplaced.

The Supreme Court's analysis of §40191 is very pertinent to this case:

"The view that all items enumerated in section 40191, subdivision (a) are waste, regardless of their value and whether they have been discarded, is further called into question by many of the types of items enumerated. For example, the statute refers to 'paper.' This can refer to all paper, however, only if the term is taken out of context and without consideration of value or the statute's stated limitation that it applies only to discarded materials. A piece of elaborate origami, a collector's autograph collection, or a watercolor painting are each indisputably paper, but we doubt anyone would seriously contend such an item is waste and that its owner cannot keep it or sell it as he sees fit. **The obvious, intuitive, and correct**

response to the contention would be that the property has value and that the owner has not discarded the property if he sells it. That is, the property has not become waste.

“The tension between plaintiffs and the Court of Appeal can be eliminated by relying on the distinction between selling and discarding. The Court of Appeal was correct that property does not become waste under the Act until discarded, but incorrect in suggesting (perhaps inadvertently) that the owner can discard the property as he sees fit. Discarding is governed by the Act. Selling and other methods of disposition by which the owner receives or donates the value of the recyclable materials are not discarding and are not subject to the Act. The fundamental purpose of the [Integrated Waste Management] Act is to reduce the amount of material entering into the waste stream. The buying and selling of materials in the marketplace is inapposite to that purpose because those materials remain in circulation and do not enter into the waste stream.” (7 Cal. 4<sup>th</sup> 487-488, emphasis added)

The Supreme Court’s direction is echoed in the Waste Board’s Model Ordinance at Tab 13, quoted above, and the Ventura County C&D Ordinance which is referenced by the Waste Board on its website. Like the bottles and cans in Palm Springs, the material placed into the construction at the Ranch (the hillside stabilization and erosion control work) is excluded from governance by the Integrated Waste Management Act. The material has value, is never placed into the waste stream as defined by the Act, and the material is never “discarded.” As noted by the Supreme Court, the “fundamental purpose” of the Act is reduce the amount of material entering into the waste stream.

Thus, the materials utilized at the Ranch are not “waste” but rather reuse materials that never enter into the waste stream, and are therefore not regulated by the EHD or the Integrated Waste Management Board. By donating these materials to the Ranch, the original owners avoid

the high cost of disposal or recycling tip fees<sup>2</sup>. That should be clear from the discussion in the previous section.

In its June 6, 2006 letter to the Hearing Officer, the EHD claims Fishback is disposing of "solid waste" without a permit. As noted in the *Waste Management* case and the laws and regulations cited in Section IV, the materials used on the Fishback Ranch are not "solid waste," nor are the materials "waste" as that term is used and defined in the Integrated Waste Management Act. The materials are reuse materials, and never became waste. The Waste Board's own definitions so state.

The second issue in the June 6, 2006 letter from EHD to the Hearing Officer contends the HECO permit issued by RCD is irrelevant to the enforcement of the Integrated Waste Management Act by the EHD. But it is EHD's "tunnel vision" which is causing the problem, because it is refusing to acknowledge that the inert materials used by Fishback are not "solid waste" as discussed by the Supreme Court and the various statutes and regulations quoted above.

In support of its argument that the HECO permit is irrelevant, EHD cites to the County Building Code. However, due to the use of the land (agriculture) and its topography (hillside), the RCD has jurisdiction over the Fishback Ranch. In addition, the Building Code does not apply either to isolated grading operations (3306.2(1)) or to grading taking place under a HECO plan (3306.2(10)). In the case of 3306.2(1), the isolated work had to be approved by a building official, and Ray Gutierrez was at the Fishback Ranch on a number of occasions. While a notice of violation was issued initially, it was withdraw after a review of the facts. Thereafter, Fishback obtained a HECO permit. So in either case, the erosion control and hillside stabilization work is excluded from review under the Building Code.

EHD presented its argument that HECO was irrelevant to EHD control over the Fishback

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<sup>2</sup> The cost of disposing of a load of construction debris at a Ventura County dumpsite is approximately \$400.00. If the material is taken to an aggregate recycling facility, the cost is approximately \$100.00, but the recyclers will not take any dirt.

grading operation to the RCD, which responded that the HECO has "more stringent objectives" than that directed by the state's construction debris (solid waste) programs. The RCD further stated that it was "authorized to direct development of new agricultural projects in a manner that protects or improves our [agricultural] resource base." (Tab 15)

This letter from RCD was quite explicit in rejecting EHD's contention that use of demolition materials is regulated by the Act. Instead, RCD replied to EHD by stating "all fills approved under this ordinance are engineered and supervised by a California Professional Engineer or Certified Engineering Geologist along with site inspections by our engineer." In this matter, Fishback has been working with both a civil engineer and a geologist. RCD has accepted the plan prepared by these experts, and issued a permit. EHD should not be angling for more authority when the field has been covered by the HECO and RCD's oversight of the HECO.

The third issue in the EHD's June 6<sup>th</sup> letter is that the materials utilized by Fishback in the hillside stabilization and erosion control work "may not be limited" to construction and demolition waste. There is absolutely no evidence that anything other than clean fill has been used. There have been dozens of public officials up to the Ranch to inspect the operation, including Lt. Chris Long from Fish & Game and representatives from the Regional Water Quality Control Board. Bill Stratton and Diane Hall from EHD toured the Ranch as well. If anyone had evidence of "garbage" or any disallowed material on the Ranch, certainly that would be before the Hearing Board. There is no evidence of anything other than dirt, clean concrete, clean asphalt, and similar rubble. Fishback has ordered borings of the erosion control work, and the results should be available within the next few weeks.

The EHD letter contends Fishback has provided no definition of "clean fill." "Clean fill" is a generic term used to describe fully cured concrete, dirt and rubble, uncontaminated asphalt, brick and stucco. This is taken from multiple definitions in the Act and the regulations. The word "clean" is used in CIWMB publication 433-03-053 at page. 14 to describe inert solids for

reuse. Also, "fill" is defined in 14 CCR §17388(h):

"'Fill' means gravel, rock, soil, sand, uncontaminated concrete, or fully cured asphalt in conjunction with a construction project or grading."

Other definitions within the Act and the regulations that contribute to an understanding of "clean fill" include "salvage" (14 CCR§17225.61); "salvaging" (14 CCR §17402(24)); "segregated from other waste material" (Pub.Res.Code §40190); "separated for reuse" (14 CCR §17381(y)); "source separated" (14 CCR §17381(dd)); "inert solids" (Pub. Res. Code §41781.2(b)); and, "separated at point of generation" (14 CCR §17381.1(a)(1)(A)). These definitions are consistent with *Waste Management v. Palm Springs Recycling Center, supra*: "Thus, if an owner segregates recyclable or otherwise useful materials ["reuse" materials] and sells them [donates or receives value] he or she has not discarded them and they do not become waste."

The definition of "clean fill" becomes important in the context of whether the material being delivered to the Fishback Ranch ever becomes "waste." The "fill" delivered to the Ranch separated at the source for the purpose of reuse, and therefore never entered the waste stream.

Section 17388 defines such separation in separate subsections:

"'Separated for Reuse' means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace, and includes materials that have been 'source separated.'"

And "source separated" is then defined as:

"'Source Separated' means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace."

Such materials, separated at the source of generation for reuse purposes, do not become part of

the waste stream and are not regulated under the Integrated Waste Management Act, and therefore not subject to regulation by the EHD.

Public Resources Code §41781.2(b) defines "inert solids" as "rock, concrete, brick, sand, soil, fines, asphalt and unsorted construction and demolition waste." The next subsection of Section 41781.2, subsection (c), states that inert solids used for structural fill is not solid waste, because such materials have been diverted from the waste stream. Fishback has used such "inert solids" – i.e., concrete, brick and stucco – for slope stabilization, which is structural fill.

Further, grading activities utilizing source separated fill are excluded from the provisions of the Act under 14 CCR §17382:

"(a) The following activities do not constitute CDI debris processing, inert debris processing, or chipping and grinding operations or facilities for the purposes of this Article and are not required to meet the requirements set forth herein:

...

"(3) Grading or clearing of land that is consistent with local ordinances."

The Fishback operation is "consistent with local ordinances," and in fact has a permit from RCD under the HECO.

Instead of referring to these key sections, the EHD refers to §17388(e), which defines "Disposal" as "the final deposition of C&D waste or inert debris onto land." But as we have repeatedly explained, the material placed into the Fishback erosion control and hillside stabilization work is not "waste," as it never entered the waste stream.

The EHD refuses to even acknowledge this argument, much less discuss it. Instead, in its June 6, 2006 letter to the Hearing Officer, EHD simply dismisses Ventura County Ordinance 4308 (waste reduction and waste diversion) by referencing Section 4740-3 of Ordinance 4308, and suggesting that Ordinance 4258 (which governs EHD activities) superseded Ordinance 4308. Again, EHD seems to think that it has exclusive jurisdiction over all inert materials regardless of use, reuse, whether the materials are salvaged or source separated. The proper interpretation of

these Ordinances is that Ordinance 4258 does not apply *unless* the materials are discarded and thus solid waste.

**V. The County Is Singling Out The Fishback Ranch For Harsh Treatment, While Allowing Similar Operations To Proceed Without Interference**

Since EHD notified Appellant that his erosion control work was a "solid waste disposal" operation, Appellant began investigating other operations in the County that were similar to his. As noted above, Ventura County Environmental and Energy Resources Division passes out information leaflets to encourage farmers to use construction debris in the type of work Fishback has done (see Tab 16).

Fishback found Muranaka Farms in Somis (SWIS#56-AA-0144). Muranaka Farms has a notification tier permit, yet there is nothing in the file maintained by EHD on Muranaka to show that a Regional Water Quality Waste Discharge Permit (or letter of exemption) has been obtained, or that a civil engineer has engineered the fill or was monitoring the grading. The file contains no record of violations, yet the Muranaka operation is using putrescibles (horse bedding and manure), which is expressly forbidden under 14 CCR §17388(k). There are lists of violations at the Muranaka site documented by Fishback, yet the County has singled out Fishback's erosion control operation for enforcement while it allows the Muranaka facility to operate without interference.

There are three other erosion control projects in Ventura County that are similar to Fishback's. They have been erroneously classified as solid waste disposal projects by EHD. The difference is Fishback's project has been classified a Registration Tier Type A Disposal Site, versus an excluded tier activity for the other sites (see Tab 17). None of these projects have been required to provide the exhaustive evidence required of Fishback.


Appellant's operation is in compliance with County ordinances and state law, but he is being harassed by EHD. In stark contrast, a bona fide solid waste disposal operation that has no

engineering, no oversight, no Regional Board clearances is being ignored. The only conclusion that can be reached is that Fishback is being singled out for unfair treatment.

**VI. Conclusion**

For the reasons stated herein, the Hearing Officer is asked to grant the appeal of Wayne Fishback and vacate the Cease and Desist Order of the LEA.

Dated: July 17, 2006

  
KATE M. NEISWENDER, Attorney for  
Appellant WAYNE FISHBACK

## VERIFICATION

I, WAYNE FISHBACK, have reviewed the facts in Section II of this Brief. I have personal knowledge of all of the facts stated in Section II, and verify that if called upon to testify, I would testify in accordance with the facts stated herein. Also, referenced in Section II are numerous documents, which documents are included in the binder presented to the Hearing Officer. I certify that each and every one of the documents referenced in Section II and included in the binder for the Hearing Officer is a true and correct copy of the original.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Dated: July 17, 2006

B. W. Fishback

# Section 1



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**Ventura County Resource Conservation District**

P.O. Box 147 - 3380 Somis Road - Somis, California 93066 - Phone (805) 386-4685

Mr. B. Wayne Fishback  
3106 Calusa Avenue  
Simi Valley, CA 93063

May 15, 2006

**Subject: Ventura County Hillside Erosion Control Ordinance No. 3539 (HECO)  
Application No. 174 Administered by the Ventura County Resource  
Conservation District (RCD).**

Dear Mr. Fishback

The subject Application and Resource Conservation Agreement (RCA) for your property located along the North American Cutoff Road in the unincorporated area of South Eastern Ventura County, California has been reviewed by District Engineer Dale Dean and the Board of Directors of the Ventura County RCD. District Engineer Dean's recommendation for approval of these documents was submitted and approved by the Board at their May 9, 2006 meeting. This approval confirms your hiring Hawks and Associates Consulting Engineers and Coastal Geology and Soils, Inc., both licensed in the State of California to provide assistance with your planning and implementation of the HECO Plan.

Please contact District Engineer Dean to discuss procedures for completing your specific plan or direct proxy representatives for whom you have authorized through signed documentation to interface for you in this matter. The Board of Directors of the Ventura County RCD is responsible for the review and approval of all plans and designs **prior to project implementation.**

Your application was received prior to the initiation of a fee toward the HECO Planning Process; however, if there is excessive site visits and reviews, there will be an additional fee assessed for hours our engineer works in extra review and travel time.

Please be aware we are here to assist, but it is ultimately the land owner's responsibility to implement the plan approved by the Ventura County RCD Board.

Sincerely,  
BOARD OF DIRECTORS  
VENTURA COUNTY  
RESOURCE CONSERVATION DISTRICT

---

Gary Ball, Vice President

Raymond Gutierrez, Jr., P.E.  
Phil Sherman, P.E.  
Nick Brouwer, C.E.G.  
Dale Dean, VCRCD Engineer

# HECO PLAN # 174

for

Mr. B. Wayne Fishback  
Property Located  
“Along the North American Cut Off”

NAME  
**HILSIDE EROSION CONTROL PLAN**  
**APPLICATION NO. 174**

**LANDOWNER'S ACKNOWLEDGEMENT**

**The Landowner(s) acknowledge that:**

1. He/she has received a copy of the construction drawings and specification, and that he/she has an understanding of the contents and requirements.
2. The landowner(s) agree to carry out the soil, water, and related resource conservation practices on the land indicated in the plan, to the best of his/her ability including essential maintenance work.
3. He/she has obtained all the necessary permits.
4. No changes will be made in the installation of the job without prior concurrence of the RCD.
5. Maintenance of the installed work is necessary for proper performance during the project life.

ACCEPTED BY: B. W. [Signature] DATE 6-21-06

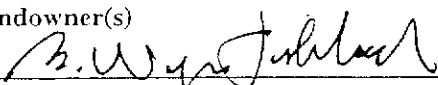
VENTURA COUNTY RESOURCE CONSERVATION DISTRICT  
P.O. Box 147 (3380 Somis Road), Somis, CA 93066

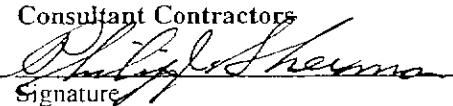
REVIEW AND APPROVAL SHEET

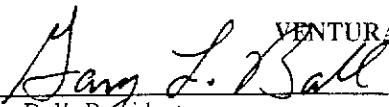
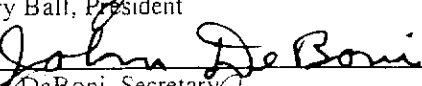
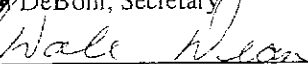
CONSERVATION REPORT AND HILLSIDE EROSION CONTROL PLAN  
(VENTURA COUNTY ORDINANCE NO. 3539)

Landowner(s)	Mr. B. Wayne Fishback		
Address	3106 Calusa Avenue Simi Valley, CA 93063		
Phone No.	805-526-9757		
Date of Application	11/3/05	Application No.	174
Resource Conservation Agreement:	Yes	Date Signed:	May 9, 2006
Location of Property	Box Canyon	Acres	125
	AP#: Various		
	Along the North American Cutoff Road		
Report and Plan Prepared by*	Dale dean		
Proxy: Name	Phil Sherman, Hawks & Assoc.	Signature	Mr. Fishback
		Date	11/03/05

SIGNATURES

Landowner(s)		Signature	
	6-21-06	Date	

Operator/Manager	Consultant Contractors
Signature	 HAWKS & ASSOC.
	SENIOR ENGINEER
Date	06-21-06
	Date

VENTURA COUNTY RESOURCE CONSERVATION DISTRICT	
	6-21-06
Gary Ball, President	Date
	6-21-06
John DeBoni, Secretary	Date
	June 19, 2006
Dale Dean, District Engineer	Date

VENTURA COUNTY PUBLIC WORKS  
Copy Received Not Reviewed or Approved

Raymond Gutierrez, Jr., P.E.	Date
------------------------------	------

## **HILLSIDE EROSION CONTROL PLAN INDEX**

### **Chapter I. Physical Land Condition Report**

- A. Location of Property
  - 1. Critical Area Reference
  - 2. Watershed
- B. Descriptive Information
  - 1. Topography
  - 2. Soils-Geology
  - 3. Land Use
  - 4. Vegetation
  - 5. Precipitation
  - 6. Erosion
  - 7. Other Special Situation Hazards

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  - 2. Method of Conservation/Development
  - 3. Conservation Problems
- B. Conservation Practices Proposed/Recommended
  - 1. Summary of Best Management Practices (BMPs)
  - 2. Resource Management Systems Proposed
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- D. Work Schedule Requirements: Detailed Schedule of Work

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- F. Construction Specifications
- G. Construction Specification Summary
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  - 4. Existing Land Features
- I. Cost Estimate Computations (Optional)

### **Chapter IV. Bibliography**

### **Chapter V. References**

## HILLSIDE EROSION CONTROL PLAN

The Hillside Erosion Control Plan is to assist landowners with the Hillside Erosion Control Ordinance (HECO) #3539 and #3683. The ordinances relate to the control of water quality, soil erosion and sedimentation of new agricultural hillside developments.

The portion of land falling under the HECO will be referred to as the "HECO property" or the "HECO area" for the remainder of this plan. Attachments are found in Chapter V of this HECO Plan unless otherwise stated.

The purpose of this plan is to protect the resource base and address the development of 125 acres of grazing land for a Registered Arabian Horse and Angus Cattle Livestock Breeding Operation. The property has experienced fire burn over in 2005 and access to the property has been improved for Ventura County Fire Department Access from Box Canyon.

### CHAPTER I. PHYSICAL LAND CONDITION REPORT

#### A. Location of Property

Property owner: Mr. B. Wayne Fishback

Property location: South/East of Simi Valley along the North American Cut Off.

The **Thomas Guide, (Attachment #1)** shows the directions to the property from Box Canyon. Property description: The total parcels owned consist of 125 acres zoned for Open Space. Three portions of the property's steep canyons will be filled to provide animal safety and provide grazing areas.

#### 1. Critical Area Reference

The Ventura County Erosion/Landslide Hazard Map designates properties with a severe to very severe erosion hazard by the number "48". This "48" designation is the reference/criteria for a hillside plan under the Ventura County Ordinance #3539.

Properties without this erosion hazard are designated with a "13". As shown on the **Ventura County Erosion /Landslide Hazard Map, (Attachment #2)**, this property falls within a "48" area. The other items that make this parcel a HECO is the import of 26,000 cubic yards (more-or-less) of inert fill material. The landowner has applied and been accepted under the HECO provisions by the Ventura County Resource Conservation District (VCRCDD).

This potentially erodable area being treated will improve the resource base. The use of vegetative practices will help reduce sheet, rill and gully erosion. Conservation practices will also assist in fire control in this remote area.

#### 2. Watershed

The proposed development being orchestrated by the landowner will not significantly alter the overall drainage pattern within the designated watershed. All practices have been outlined to minimize erosion within the field. Peak flow from a new fill area will slightly

increase the peak flows, but use of ground cover will help reduce velocity and surface erosion. The specified vegetative measures and drainage system under proper maintenance will provide the sub-systems necessary to sustain the resource for its intended land use. All surface runoff under this plan will discharge flows from open drainage systems to existing safe water drainage system. While this property is located at the top of the watershed with relatively small drainage in the HECO Plan Fill Areas, operations during rain events will require the implementation of Storm Water Pollution Control Plan measures to keep sediment on the property. Standard practices will be forwarded.

## **B. Descriptive Information**

### **1. Topography**

The property is on the border between two Quadrangle Maps, Santa Susan Pass and Calabasas. The topography is shown in Arch View 3.3 (**Attachment #3**).

### **2. Soils - Geology**

**Soils:** The United States Department of Agriculture, Natural Resources Conservation Service, Survey of the Ventura Area, serves as the reference for soil information. The soil data can interpret information regarding vegetative groups, land capability units, erosion hazards, soil properties and interpretations.

**The Arch View 3.3 Aerial Photo (Attachment #4)** delineates the soil series of the property as Sedimentary Rock Land, Map Symbol (SnG). An excerpt from the Survey, page 53, is on the back of the map for easy reference and summarized in the table below.

Map Symbol	Soil Type	Capability Unit	% Slopes	Hydro Group
<b>SnG</b>	Sedimentary rock land	IIIVs-1	> 2/1	D

### **Geology:**

**Landslides:** The **Critical Erosion Hazard Map and Landslide Hazard Map (Attachment #2)** shows the areas of concern in the immediate area.

The **Dibble Aerial Geological Map (Attachment #5)** shows the location of the HECO area and identifies it as "Chatsworth Formation". The **Geologic Legend** for the HECO Area is shown on the map. These **Geologic Descriptions** explains the formation, lithology, topographic expression, soil development and characteristics of the area. The C.G.E. has outlined preliminary slope stability calculations that are shown in Chapter III.

### **3. Land Use**

The USDA/NRCS soil classification system rates Land Use Capability (LUC) Classification based on a scale starting with "I" being the best to "VIII" having the severest land capability limitation.

The major Land Use Capability (LUC) Classification for this soil series is VIIIs-1 Igneous Rock Land. Excerpts from USDA "Soil Survey Ventura County, California" issued in April of 1970, outlines the Capability Unit of this soil series descriptions as

follows: The Capability Unit also applies to the Sedimentary rock land on the subject property.

*This unit consists of Igneous rock land, Pits and dumps, and Sedimentary rock land.*

*Generally these land types are suitable only for watershed. They should not be used for range.*

*The major limitations are the shallowness of the soil material and the erosion hazard. Fire protection is most important, not only in the management of these areas but also for the protection of downstream areas. Sanitary land fills and dumps make good parks and recreational areas if covered with good topsoil.*

Recent Statutes for "Reuse" of inert materials has made this project viable. The low cost of these diverted materials avoids land fill fees and extends the life of these limited public facilities.

#### **4. Vegetation**

The current vegetation consists mostly of natural annual grasses with various forbs and shrubs. Clearing of vegetation on the planned fill areas is scheduled after HECO Plan approval per engineering specification.

#### **5. Precipitation**

**Runoff:** The amount of runoff using Isopluvial maps for a 10 year - 6 hour storm and 10 year - 24 hour storm would result in a type I storm. The peak discharge from the developed area and capacity for installed structures can be found in the hydrology data in the Engineering Section for structures (Chapter III).

**Infiltration:** The Sedimentary rock land (SnG) Series Hydrologic Group is D. Hydrologic Group D soils have a slow infiltration rate when thoroughly wetted and consisting chiefly of thin soils over impervious rock layers.

#### **6. Erosion**

This Sedimentary rock land does not reference a loss per acre per year. Constants, common for other mapping units, are not made available in the survey. While erosion is evident, the Universal Soil Loss Equation can not be used for this Soil Series.

#### **7. Other Special Situation or Hazards**

Importing of materials will bring truck traffic to the area which has an impact on local road ways.

An offsite sediment basin was constructed "off site" and communication has been received from the neighbor approving this activity.

Previous fill completed on the parcels assumed exemption under the HECO 10%, Article 2.011a, which resulted in complaints and a "Cease and Desist" order from Ventura County Environmental Health Department.

Arch View 3.3 Aerial and Typical Site Pictures of the new fill areas are shown in (Attachment 6)

## CHAPTER II. EROSION CONTROL PLAN

### CONSERVATION PRACTICES PROPOSED/RECOMMENDED

The subject property is in the Calleguas Watershed. The Agricultural Community and Local Water Agencies are striving to reduce the Total Maximum Daily Loads (TMDL's) without regulatory control. Together these entities are cooperating with the Los Angeles Water Quality Control Board to achieve the target levels through an "Ag Waiver" which will require the cooperation of all landowners. The practices in this plan will improve the conservation performance of these parcels and have a positive affect on this objective. Additionally, the erosion control practices outlined will assist in the protection of "down stream" properties. Fire control in this area is an important element in downstream impacts. Schedule of work is planned to begin June 2006 and be completed in one year. 34

#### **1. Summary of Best Management Practices (BMP's)**

These BMP's are necessary to implement the HECO conservation portion of the plan. Note that mulch is recommended and added to the specification but required in this plan to meet conservation objectives.

Management Practices	NRCS Practice Number	Attachment
Cover Crop	340	Chapter II
Residue Management	344	Chapter II
Nutrient Management	590	Chapter II
Pesticide Management	595A	Chapter II
Irrigation Management	449	Chapter II
Mulching (Recommended but not req'd)	484	Chapter II

#### **2. RESOURCE MANAGEMENT SYSTEMS PROPOSED**

Conservation treatment is to be planned and implemented as a Resource Management System (RMS), within the HECO area. RMS is a combination of interrelated conservation practices or groups of practices (subsystems) and management techniques identified by the primary use of soil and water. The objectives of the RMS are to achieve acceptable levels of quality for sustained use of the resource or its improvement. The RMS, at a minimum, protects the resource base when properly installed and maintained. This addresses acceptable water quality, the balance of plants and animals, and productive capability of the improvement.

The Resource Management System includes the following subsystems and individual conservation practices such as Vegetative, Management and Engineering Practices.

##### **EROSION CONTROL SUBSYSTEM:**

**Existing Access Road** - will be graded to handle the drainage water in a non-erosive manner.

**Cover Crop** - a variety of annual grasses such "Zorro" fescue will be allowed to mature and shatter seed in order establish a vegetative cover for the succeeding winter months. Mow or shed stocks, but leave residue and vegetative crown and roots in place to reduce

erosion until the new vegetation is re-established. The “Zorro” Fescue is an NRCS Recommendation. However, since the objective is for year round grazing, a substitution can be made with notification and confirmation that an 80% cover can be obtained.

**Erosion Control Seed Mix –Time of Application** – These practices will be implemented at any time between September 15, 2005 and November 2005. Zorro Fescue should be seeded at a minimum rate of 6 lb/acre.

#### **SOIL MANAGEMENT SUBSYSTEM:**

**Crop Residue Use** - will consist of trimmings and vegetative litter produced by flushes of growth, as well as residue produced by the cover crop after it matures. The crop residue can be mechanically or hand chopped, but will remain on the surface as protective surface mulch.

#### **IRRIGATION WATER MANAGEMENT SUBSYSTEM:**

**Irrigation System and Irrigation water Management** – can be addressed by an appropriately designed irrigation system and appropriate water application according to the crop’s needs. Sprinkler systems should be adjusted for coverage, and timed with seasonal adjustment so as to minimize runoff.

#### **EXCESS WATER REMOVAL SUBSYSTEM:**

**Grassed Waterway**- This system will be used at the lower reaches to convey water away from the grazing areas during heavy rains.

#### **WATER QUALITY SUBSYSTEM:**

**Nutrient, Pesticide and Irrigation Water Management** – this can be addressed by plant nutrient applications, pest control methods and appropriate water application according to the crop’s needs. These practices impact the TMDL performance in the watershed with is under mandated improvement actions directed by the Los Angeles Regional Water Quality Control Board.

### **3. MAINTENANCE:**

Maintenance procedures are required to maintain the installed conservation practices in a condition sufficient to perform their intended function. Each conservation practice will require its own particular kind of routine maintenance.

#### **EROSION CONTROL SUBSYSTEM:**

**Access Roads** - Monitor for rills and ruts and do maintenance by re-grading as necessary. Maintain the cross slope. Avoid using the roads during wet, muddy periods. The existing access road will be graded to eliminate sheeting and control the water to safe natural waterways.

**Cover Crop** - The cover crop can be mowed, shredded and swathed. Allow the crown of the plants to remain in tact. During spring growth, the annual cover crop needs to be allowed to set and shatter seed for each successive year's ground cover. As a general rule, short season grasses and legumes tend to mature in late April or early May. Other maintenance procedures would include weed control. The occasional reseeding of weak

spots may be necessary to maintain adequate cover. Again, the grazing schedule should be considered when selecting the cover crop. It is important to prevent “over grazing”.

#### **SOIL MANAGEMENT SUBSYSTEM:**

**Crop Residue Use** - It is important to leave sufficient litter on the surface in order to protect the soil surface the following the fall season and allow re-seeding of selected vegetation. Imported mulch also recommended.

#### **IRRIGATION WATER MANAGEMENT SUBSYSTEM:**

**Irrigation System and Irrigation water Management** – Replace any broken lines or nozzles in the irrigation system. Apply the water to the crop according to the crop’s needs.

#### **EXCESS WATER REMOVAL SUBSYSTEM:**

**Grassed Waterway or ditch** -Vegetation should be established before peak runoff occurs. The grassed waterway may require supplemental irrigation.

#### **WATER QUALITY SUBSYSTEM:**

**Nutrient, Pesticide and Irrigation Water Management** – apply plant nutrients, pest control irrigation water as mentioned in the Conservation Plan.

### **4. SUMMARY COMMENTS**

The objective is to protect the resource base and develop a sustainable pasture for the breeding operation. And also by addressing sediment and drainage concerns through the use of essential and needed conservation management and engineering practices. Ultimately, the landowner or land manager will be responsible for implementation of the recommended management and engineering practices. The Landowner is a voluntary cooperator.

This land capability is historically limited in its productivity as described in Chapter I. State of California mandated “Diversion” of inert materials from demolition sites greatly reduces the cost of development and positively extends the life of operating dump sites. The Ventura County RCD limits the number of listed inert materials to clean, stable items that can be engineered for stability and enhance the agricultural base.

NATURAL RESOURCES CONSERVATION SERVICE  
CONSERVATION PRACTICE STANDARD

**COVER CROP**  
(Acre)  
**CODE 340**

**DEFINITION**

Grasses, legumes, forbs, or other herbaceous plants established for seasonal cover and conservation purposes.

Cover crops will be terminated by harvest, frost, mowing, tillage, and/or herbicides in preparation for the following crop.

Herbicides used with cover crops will be compatible with the following crop

Cover crop residue will not be burned

Provide supplemental fertilization to account for expected crop need and considering existing fertility or nutrient deficits.

**PURPOSES**

- ◆ Reduce erosion from wind and water
- ◆ Increase soil organic matter
- ◆ Manage excess nutrients in the soil profile
- ◆ Promote biological nitrogen fixation
- ◆ Increase biodiversity
- ◆ Weed suppression
- ◆ Provide supplemental forage
- ◆ Soil moisture management

**Additional Criteria to Reduce Erosion From Wind and Water**

Cover crop establishment, in conjunction with other practices, will be timed so that the soil will be adequately protected during the critical erosion period(s).

Plants selected for cover crops will have the physical characteristics necessary to provide adequate protection.

The amount of surface and/or canopy cover needed from the cover crop shall be determined using current erosion prediction technology.

**CONDITIONS WHERE PRACTICE APPLIES**

On all lands requiring vegetative cover for natural resource protection

**CRITERIA**

**General Criteria Applicable To All Purposes**

Plant species, seedbed preparation, seeding rates, seeding dates, seeding depths, and planting methods will be consistent with approved local criteria and site conditions.

The species selected will be compatible with the nutrient management and pest management provisions of the plan.

**Additional Criteria to Promote Biological Nitrogen Fixation**

The specific Rhizobia bacteria will either be present in the soil or the seed will be inoculated at the time of planting legumes.

Nitrogen credits from legume cover crops will be accounted for in the nutrient management plan.

**Additional Criteria to Manage Excess**

Conservation practice standards are reviewed periodically, and updated if needed. To obtain the current version of this standard, contact the Natural Resources Conservation Service.

### **Nutrients in the Soil Profile**

Cover crops will be established and actively growing before expected periods of high precipitation that can cause leaching.

Cover crop species will be selected for their ability to absorb large amounts of nutrients from the rooting profile of the soil.

The aboveground biomass will be removed from the field for maximum nutrient removal efficiency.

### **Additional Criteria to Increase Soil Organic Matter**

Cover crop species will be selected on the basis of producing high volumes of organic material to maintain or improve soil organic matter.

Where applicable, the NRCS Soil Conditioning Index (SCI) procedure will be used to determine the amount of biomass required.

The cover crop will be terminated as late as feasible to maximize plant biomass and still prepare the seedbed for the subsequent crop.

### **Additional Criteria to Increase Biodiversity**

Cover crop species shall be selected that, have different maturity dates, attract beneficial insects, serve as a trap crop for damaging insects, and/or provide food and cover for wildlife habitat management.

### **Additional Criteria for Weed Suppression**

Species for the cover crop will be selected for their chemical or physical competition with weeds.

Cover crops residues will be left on the soil surface to maximize allelopathic (chemical) and mulching (physical) effects.

For long-term weed suppression, perennials and/or biennial species can be used.

### **Additional Criteria to Provide Supplemental Forage**

Species selected will have desired forage traits, be palatable to livestock, and not interfere with the production of the subsequent crop.

Forage provided by the cover crop may be hayed or grazed as long as sufficient biomass is left for resource protection.

### **Additional Criteria for Soil Moisture Management**

Terminate growth of the cover crop sufficiently early to conserve soil moisture for the subsequent crop.

Cover crops established for moisture conservation shall be left on the soil surface until the subsequent crop is planted.

In areas of potential excess soil moisture, allow the cover crop to grow as long as possible to optimize soil moisture removal.

## **CONSIDERATIONS**

The cover crop should be terminated as late as feasible to maximize plant growth and still prepare the seedbed for the subsequent crop.

Deep-rooted species provide maximum nutrient recovery.

Consider that grasses utilize more soil nitrogen, and legumes utilize both nitrogen and phosphorus.

Avoid cover crop species that attract potentially damaging insects.

Seek cover crop species that support beneficial insects.

Acceptable benefits, for most purposes, are usually accomplished when the plant density is at least 25 stems per foot, the combined canopy and surface cover is at least 60 percent, and the above ground (dry weight) biomass production is at least 2700 lb/acre.

Cover crops may be used to improve site conditions for establishment of perennial species.

#### **Cover Crop - Mowed**

Plants provide long-term cover and are managed by mowing to maintain at least 60 percent ground cover during the erosive period. Mowing to a 3-4 inch height at the beginning of the frost season can reduce cold temperature damage in orchards and vineyards. Mowing intervals must allow adequate seed production by annual species. Tree and vine rows are generally kept weed free with herbicides or other means to minimize competition and allow soil warming. Selected plants need to complement the Integrated Pest Management (IPM) program being used. Mowed cover crops greatly reduce dust during harvest operations, especially almonds and walnuts, and improve the infiltration rate of water.

#### **Cover Crop - Disked**

Plants provide long-term cover and are managed by disking after seed production to maintain at least 60 percent ground cover during the erosive period. Mowing

at the beginning of the frost season may be performed to a 3-4 inch height to reduce cold temperature damage in orchards and vineyards. Tree and vine rows may be kept free of plants with herbicides or other means to reduce competition and allow soil warming.

#### **Cover Crop - Unmowed and Nondisked**

Plants provide long term cover on lands left idle for several years and are managed as natural stands without mowing or tillage to maintain at least 60 percent ground cover during the erosive period.

Firebreaks shall be considered and mowed firebreaks used where feasible. Wildlife needs shall be considered when selecting plants. Control of noxious weeds may require mowing parts of the field for a few seasons.

The horizontal indentations left by tracked equipment provides a suitable seedbed on steep slopes.

Control of noxious weeds by mowing should be evaluated as an alternative to use for herbicides.

#### **Endangered Species Considerations**

Determine if installation of this practice with any others proposed will have any effect on any federal or state listed Rare, Threatened or Endangered species or their habitat. NRCS's objective is to benefit these species and others of concern or at least not have any adverse effect on a listed species. If the Environmental Evaluation indicates the action may adversely affect a listed species or result in adverse modification of habitat of listed species which has been determined to be critical habitat, NRCS will advise the land user of the requirements of the Endangered Species Act and recommend alternative conservation treatments that avoid the adverse effects. Further assistance will be provided only if the landowner selects one of the alternative conservation treatments

for installation; or at the request of the landowners, NRCS may initiate consultation with the Fish and Wildlife Service, National Marine Fisheries Service and/or California Department of Fish and Game. If the Environmental Evaluation indicates the action will not affect a listed species or result in adverse modification of critical habitat, consultation generally will not apply and usually would not be initiated. Document any special considerations for endangered species in the Practice Requirements Worksheet.

Some species are year-round residents in some streams, such as, freshwater shrimp. Other species, such as steelhead and salmon, utilize streams during various seasons. Be aware that during critical periods, such as spawning, eggs in gravels, and rearing of young may preclude activities in the stream that may directly affect the stream habitat during those periods. For example there should be no disturbance of stream gravel beds that may have eggs in them. That could include any equipment in the stream or even walking in the stream or work upstream that may result in sediment depositing in the gravel beds. Document any special considerations for endangered species in the Practice Requirements Worksheet.

### **Water Quantity**

The practice may decrease runoff and increase infiltration and available soil moisture because of the increased period of vegetation. Increased organic material may increase water-holding capacity. Transpiration may increase because of increased water use by vegetation. Soil moisture may increase because of an increased ability to trap snow where climatically feasible.

1. Effects on the water budget, especially on volumes and rates of runoff, infiltration,

evaporation, transpiration, deep percolation, and ground water recharge.

2. Effects of vegetation on soil moisture.

### **Water Quality**

Erosion, sediment and adsorbed chemical yields could be decreased in conventional tillage systems because of the increased period of vegetal cover. Plants will take up available nitrogen and prevent its undesired movement. Organic nutrients may be added to the nutrient budget reducing the need to supply more soluble forms. Overall volume of chemical application may decrease because the vegetation will supply nutrients and there may be allelopathic effects of some of the types of cover vegetation on weeds. Temperatures of ground and surface waters could slightly decrease.

1. Filtering effects of vegetation on movement of sediment, pathogens, and dissolved and sediment-attached substances.
2. Effects of growing and decaying vegetation on nutrients in the root zone.
3. Effects on erosion and the movement of sediment, pathogens, and soluble and sediment-attached substances carried by runoff.

### **PLANS AND SPECIFICATIONS**

Plans and specifications will be prepared for each field and include seedbed preparation, date of seeding, seed mixture, fertilization, management, and time and manner of incorporating the crop into the soil.

When seed will be planted more than one inch deep, indicate the depth on the Practice Requirements sheet. When seeding on graded, irrigated fields will not be performed across the slope, indicate this on the Practice Requirements sheet.

Use aerial seeding on steep sites and on other sites where full coverage is needed.

On fields judged to contain a good seed supply of desirable species, do not specify any seeding mixture on the Practice Requirements sheet. Fertilizer must still be specified on the Practice Requirements sheet unless existing fertility of the field is judged adequate.

On Conservation Reserve Program fields in MLRAs and locations not restricted to perennials, specify Cover Crop - unmowed and non-disked. Also list the desirable resident species on the Practice Requirements sheet that will qualify as part of the minimum 60 percent ground cover. Do not list any noxious weeds.

#### **OPERATION AND MAINTENANCE**

Maintenance needed for this practice includes mowing at the beginning of the frost season to minimize danger to trees and vines, allowing long term cover crops to set seed, maintaining adequate vegetative cover during the critical erosion period, controlling noxious weeds, and timing operations to minimize impacts on wildlife.

Firebreaks will be installed each season to protect unmowed and nondisked long-term cover on lands left idle and managed as natural stands.

NATURAL RESOURCES CONSERVATION SERVICE  
CONSERVATION PRACTICE SPECIFICATION

## 340B - COVER CROP

### I. SCOPE

The work shall consist of furnishing all materials and placing them on all designated areas to the limits as shown on the drawings, or as staked in the field, and performing cultural operations to grow the crop and to maintain the life of the stand.

### II. MATERIALS

#### Seed

All seed shall be delivered to the site tagged and labeled in accordance with the California Agricultural Code, and shall be acceptable to the County Agricultural Commissioner.

Bag tag figures will be evidence of purity and germination. Time since date of seed test shall not exceed 9 months.

Seed shall be of a quality that weed seed shall not exceed 0.5% of the aggregate of pure live seed (PLS) ( $\% \text{ germination} \times \% \text{ purity}$ ) and other material.

#### Fertilizer

Unless otherwise specified on the Practice Requirements sheet, all fertilizer shall be Ammonium Phosphate Sulfate containing a minimum of 16% Nitrogen, 20% available phosphoric acid and 0% water soluble potash plus about 15% sulfur and be uniform in composition, dry and free flowing, pelleted or granular.

All fertilizer shall be labeled in accordance with applicable state regulations and bear the warranty of the producer for the grade furnished.

#### Inoculants

The inoculant for treating legume seeds shall be a pure culture of Nitrogen fixing bacteria prepared specifically for the plant species and shall not be used later than the date indicated on the container. A mixing medium, as recommended by the manufacturer or approved substitute, shall be used to bond the inoculant to the seed. For nonpellet inoculated seed, two times

the amount of the inoculant recommended by the manufacturer shall be used and seed shall be sown within 24 hours.

For pellet inoculated seed, at least 30 pounds of inoculant shall be used per 1,000 pounds of raw seed and the seed shall be labeled to show the Lot Number, Expiration Date, and Percent Coat of the finished product. Pellet inoculated seed shall be kept cool and sown within 180 days.

#### Chemicals

All pesticides used in performing this practice shall be Federally, State, and locally registered and shall be applied strictly in accordance with authorized and registered uses, directions on the label, and other Federal or State policies and requirements. Chemical containers shall be properly stored and disposed of in a safe manner.

### III. SEEDING MIXTURE AND PLANTING DATE

The seed(s) and rate(s) specified on the Practice Requirements sheet shall be used.

The seeding rate(s) shall be the weight exclusive of any coating material. Any legume seed used shall be inoculated. Based on bag tags, seeding rates shall be adjusted to insure the required amounts of pure live seed.

Planting shall be performed during the period that is specified on the Practice Requirements sheet.

### IV. SEEDBED PREPARATION

The area to be planted shall be weed free and have a firm seedbed which has previously been roughened by scarifying, disking, harrowing, chiseling, or otherwise worked to a depth of 2 to 4 inches, except when planting no-till or otherwise specified on the Practice Requirements sheet. No implement shall be used that will create an excessive amount of downward movement of clods on sloping areas.

## VIII. OTHER REQUIREMENTS

Other details for the establishment and maintenance of the plants including, but not limited to, the need for livestock and traffic control shall be applied when specified on the Practice Requirements sheet.

Measures and methods that enhance fish and wildlife values, protect visual resources, and maintain key shade, food, and den trees shall be performed when specified on the Practice Requirements sheet.

Operations shall be done in such a manner that erosion and air and water pollution are minimized and held within legal limits.

The owner, operator, contractor, or other persons shall conduct all work and operations in accordance with proper safety codes for the type of equipment and operations being performed with due regards to safety of all persons and property.

NATURAL RESOURCES CONSERVATION SERVICE  
CONSERVATION PRACTICE SPECIFICATION

**344 - RESIDUE MANAGEMENT, SEASONAL**

**I. SCOPE**

The work shall consist of spreading crop residue over cultivated fields to conserve moisture, increase infiltration, reduce soil erosion, and to improve soil tilth.

**II. MATERIALS**

Chemicals used in performing this practice shall be Federally, State, and locally registered and shall be applied strictly in accordance with authorized registered uses, directions on the label, and other Federal, State and local policies and requirements.

Chemical containers shall be properly stored and disposed of in a safe manner according to state and local ordinances or procedures.

**III. CULTURAL OPERATIONS**

In rainfall erosion areas, plants or crops shall be managed to maintain adequate surface residues during the critical erosion periods but there will be less than 30 percent residue cover remaining after planting.

In wind erosion areas, plants or crops shall be managed to maintain adequate surface residues during the critical wind erosion periods but there will be less than 1000 pounds per acre of flat, small grain residues equivalent on the surface.

Trees and vines shall be managed to maintain shreddable prunings and leaf residue on the soil surface during the critical erosion periods.

Spread all crop residues, including orchard and vineyard prunings, uniformly, and do not burn or remove residues except for large limbs. Shred or chop coarse residues as necessary for field management.

When residues are incorporated, the operation will achieve good soil contact with more than half the residues.

**IV. FERTILITY MANAGEMENT**

Apply nitrogen to avoid nitrogen deficiency symptoms in crops that immediately follow incorporation of residues having C:N ratios of 30:1 or higher that are turned under or incorporated into the plow layer.

**V. OTHER REQUIREMENTS**

The owner, operator, contractor, and other persons shall conduct all work and operations in accordance with proper safety code for the type of equipment and operations being performed with due regard to safety of all persons and property.

NATURAL RESOURCES CONSERVATION SERVICE  
CONSERVATION PRACTICE STANDARD  
**NUTRIENT MANAGEMENT**  
(Acre)  
**CODE 590**

**DEFINITION**

Managing the amount, source, placement, form and timing of the application of nutrients and soil amendments.

**PURPOSES**

- ◆ To budget and supply nutrients for plant production.
- ◆ To properly utilize manure or organic by-products as a plant nutrient source.
- ◆ To minimize agricultural nonpoint source pollution of surface and ground water resources.
- ◆ To maintain or improve the physical, chemical and biological condition of soil.

**CONDITIONS WHERE PRACTICE APPLIES**

This practice applies to all lands where plant nutrients and soil amendments are applied.

**CRITERIA****General Criteria Applicable to All Purposes**

Plans for nutrient management shall comply with all applicable Federal, state, and county laws, such as Clean Water Act and CEQA.

Plans for nutrient management shall be developed in accordance with policy requirements of the NRCS General Manual Title 450, Part 401.03 (Technical Guides, Policy and Responsibilities) and Title 190, Part 402 (Ecological Sciences, Nutrient Management, Policy); technical requirements of the NRCS Field Office Technical Guide (FOTG); procedures contained in the National Planning Procedures Handbook (NPPH), and the NRCS National Agronomy Manual (NAM) Section 503.

Persons who review or approve plans for nutrient management shall be certified using the procedure found in 180 GM part 409.

Plans for nutrient management that are elements of a more comprehensive conservation plan shall recognize other requirements of the conservation plan and be compatible with its other requirements.

A nutrient budget for nitrogen shall be developed that considers all potential sources of nutrients including, but not limited to animal manure and organic by-products, waste water, commercial fertilizer, crop residues, legume credits, and irrigation water. A nutrient budget for phosphorus is required for fields rated "Medium" or higher risk using the P Index. Budgets for P and K may be prepared to illustrate excessive or inadequate agronomic application rates, as needed.

Realistic yield goals shall be established based on soil productivity information, historical yield data, climatic conditions, level of management and/or local research on similar soil, cropping systems, and soil, tissue, and manure/organic by-products tests. For new crops or varieties, industry yield recommendations may be used until documented yield information is available.

Plans for nutrient management shall specify the form, source, amount, timing and method of application of nutrients on each field to achieve realistic production goals, while minimizing nitrogen and/or phosphorus movement to surface and/or ground waters.

Erosion, runoff, and water management controls shall be installed, as needed, on fields that receive nutrients.

**Soil Sampling and Laboratory Analysis (Testing)**

Nutrient planning shall be based on current soil, tissue, water, manure, and organic byproducts test results developed in accordance with University of California guidance or industry practice if recognized by the University of California. Current soil tests for P and K are those that are no older than three years. Soil tests for N will be taken as required by the plan. Soil samples shall be

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collected and prepared according to the University of California guidance or standard industry practice. Test analyses shall be performed by laboratories that are accepted in one or more of the following programs:

- ♦ Environmental Laboratory Accreditation Program (ELAP),  
<http://www.dhs.ca.gov/ps/ls/clap/clapindex.htm>
- ♦ The North American Proficiency Testing Program (Soil Science Society of America),  
<http://tal.agsci.usu.edu/~tal/soil.science/usual/aglab.pt/California.html>, or
- ♦ Laboratories whose tests are accepted by the University of California.

Soil testing shall include analysis for any nutrients for which specific information is needed to develop the nutrient plan. Request analyses pertinent to monitoring or amending the annual nutrient budget, e.g. pH, electrical conductivity (EC), soil organic matter, nitrogen, phosphorus, and potassium.

#### **Plant Tissue Testing**

Tissue sampling and testing, where used, shall be done in accordance with University of California standards or recommendations or other methods approved by the University of California. Refer to UC Bulletin 1879

#### **Nutrient Application Rates**

Soil amendments shall be applied, as needed, to adjust soil pH to the specific range of the crop for optimum availability and utilization of nutrients. Consider practice 738 Soil Salinity Control and consult UC publications on soil amendments.

Recommended nutrient application rates shall be based on University of California guidelines (and/or industry practice when recognized by the university) and consider current soil or tissue test results, realistic yield goals, all nutrient sources, and management capabilities. Recommended applications shall be based on realistic yield goals and associated plant nutrient removal rates found in local UC research reports or those recognized by UC, UC published crop specific IPM Manuals and Production Manuals, or the Western Fertilizer Handbook where the above references are not available.

The planned rates of nutrient application, as documented in the nutrient budget, shall be determined based on the following guidance:

- ♦ **Nitrogen Application** - Planned nitrogen application rates shall match the recommended rates as closely as possible, except when manure or other organic by-products are a source of nutrients. When manure or other organic by-products are a source of nutrients, see "Additional Criteria" below. Nitrogen application shall be undertaken using specific guidance contained in the plan, and considering all sections of this standard.

**Phosphorus Application** - Planned phosphorus application rates shall match the recommended rates as closely as possible and be applied according to the California P Index.

#### **Use of the California Phosphorus Index**

The P Index, located in Section I of the FOTG, will be used for evaluating P application with organic or commercial fertilizers. Refer to UC Bulletin 1879 for guidance on crop response thresholds and soil and tissue sampling methods. Initially use the "California P Index – Initial Risk Assessment" to determine the level of risk assessment needed based on P impacts on local surface waters. For all fields the following applies:

- 1) If the field is found to be in the Low or Medium Risk categories, commercial P fertilizers may be applied at agronomic rates according to University guidelines using P response thresholds for the crop, and utilizing soil and/or tissue analysis. Manure fertilizers may be applied based on the N requirement of the crop and the N content of the manure. Fields in the Medium Risk category should be periodically reviewed using the P Index since they may move into the High Risk category when no management changes are made. Medium and higher risk fields will require a P budget.
- 2) If the field is found to be in the High Risk category then manure may be applied at a P Based rate for crop removal. Estimate P removal from UC recognized locally available research, UC published IPM or Production Manuals, or the Western Fertilizer Handbook when the other sources are not available. Manure P content will be determined using laboratory analysis. Commercial fertilizer may be applied according to UC guidelines and P

occurrence of runoff. Runoff from irrigation when applying fertilizer, manure, or by-products shall be contained on-farm. The total application shall not exceed that necessary to reach the field capacity of the soil. Assess the available storage space in the soil profile prior to application.

The planned rates of nitrogen and phosphorus application recorded in the plan shall be determined based on the following guidance:

- ♦ **Nitrogen Application** - When the plan is being implemented on a phosphorus standard, manure or other organic by-products shall be applied at rates consistent with the phosphorus requirement of the crop. In such situations, an additional nitrogen application, from non-organic sources, may be required to supply the recommended amounts of nitrogen.

Manure or other organic by-products may be applied on legumes at rates equal to the estimated removal of nitrogen in harvested plant biomass.

- ♦ **Phosphorus Application** - When manure or other organic by-products are used, the planned rates of phosphorus application shall be consistent with the Phosphorous Index.

#### Use of the California Phosphorus Index

The P Index, located in Section I of the FOTG, will be used for evaluating P application with organic or commercial fertilizers. Refer to UC Bulletin 1879 for guidance on crop response thresholds and soil and tissue sampling methods. Initially use the "California P Index – Initial Risk Assessment" to determine the level of risk assessment needed based on P impacts on local surface waters. For all fields the following applies:

1. If the field is found to be in the Low or Medium Risk categories, commercial P fertilizers may be applied at agronomic rates according to University guidelines using P response thresholds for the crop, and utilizing soil and/or tissue analysis. Manure fertilizers may be applied based on the N requirement of the crop and the N content of the manure. Fields in the Medium Risk category should be periodically reviewed using the P Index since they may move into the High Risk category when no management changes are made.

Medium and higher risk fields will require a P budget.

2. If the field is found to be in the High Risk category then manure may be applied at a P Based rate for crop removal. Estimate P removal from locally available UC recognized research, UC published IPM or Production Manuals, or the Western Fertilizer Handbook when the other sources are not available. Manure P content will be determined using laboratory analysis. Commercial fertilizer may be applied according to UC guidelines and P response thresholds for the crop, utilizing soil and/or tissue analysis. A conservation plan must be in place that will lower the risk category to at least Medium when implemented. Medium and higher risk fields will require a P budget. After implementation the actions required at the lower risk levels will apply.
3. If the field is in the Very High Risk category of the P index no manure or other organic sources of P may be applied. Commercial fertilizer may be applied according to UC guidelines and P response thresholds for the crop, utilizing soil and/or tissue analysis. However, when soil test P levels meet or exceed 80 ppm (Olsen) or 120 ppm (Bray) no P from any source may be applied, except as provided for below. When planting winter vegetables in soils below 55 degrees Fahrenheit a starter fertilizer of 30 lbs/ac or less  $P_2O_5$  may be injected at seeding. A conservation plan must be in place and being applied that will lower the risk level for the field to at least High Risk when implemented. Medium and higher risk fields will require a P budget. After implementation the actions required at the lower risk levels will apply.

A single application of phosphorus applied as manure may be made at a rate equal to the recommended phosphorus application or estimated phosphorus removal in harvested plant biomass for the crop rotation or multiple years in the crop sequence. When such applications are made, the application rate shall:

- not exceed the recommended nitrogen application rate during the year of application, or

- not exceed the estimated nitrogen removal in harvested plant biomass during the year of application when there is no recommended nitrogen application.
- be consistent with the P Index risk category of the field.

#### **Field Risk Assessment**

When a field is located in an area contributing P to a water body on the 303d list because of impacts of P from an agricultural source, and animal manure or other organic by-products are applied, a field-specific assessment of the potential for phosphorus transport from the field shall be completed. This assessment is appropriate in other situations when desired by the producer. This assessment may be done using the Phosphorus Index or other recognized assessment tool when developed. In such cases, plans shall include:

- ♦ a record of the assessment rating for each field or sub-field, and
- ♦ information about conservation practices and management activities that can reduce the potential for phosphorus movement from the site.

When such assessments are done, the results of the assessment and recommendations shall be discussed with the producer during the development of the plan.

#### **Heavy Metals Monitoring**

When sewage sludge is applied, the accumulation of potential pollutants (including arsenic, cadmium, copper, lead, mercury, selenium, and zinc) in the soil shall be monitored in accordance with the US Code, Reference 40 CFR, Parts 403 and 503, and/or any applicable state and local laws or regulations.

#### **Additional Criteria to Minimize Agricultural Non-point Source Pollution of Surface and Ground Water Resources**

In areas with identified or designated water quality impairment from agricultural P, such as 303d listing, an assessment shall be completed of the potential for phosphorus transport from the field. The Phosphorus Index (PI), or other recognized assessment tool when developed, may be used to make these assessments. The results of these assessments and recommendations shall be

discussed with the producer and included in the plan.

Where groundwater used for drinking, or other beneficial use impaired by nitrate, is at risk from nitrate leaching, management alternatives to minimize leaching will be developed and discussed with the producer. Areas of the farm with high leaching potential will be designated on the plan map. As necessary, management alternatives specific to these areas will be developed with the producer and included in the plan. Alternatives will consider both nitrogen management and irrigation water management.

When fertilizers or manure with high salt content are applied in a groundwater basin impacted by, or being protected from salinity, leaching will be limited to that needed to maintain the salinity level in the rootzone at the required level for crop productivity. Refer to UC Publication "Agricultural Salinity and Drainage, A Handbook for Water Managers", 1993, or FAO Irrigation and Drainage Paper #29 "Water Quality for Agriculture", or equivalent.

Plans developed to minimize agricultural nonpoint source pollution of surface or ground water resources shall include practices and/or management activities that can reduce the risk of nitrogen or phosphorus movement from the field.

#### **Additional Criteria to Improve the Physical, Chemical, and Biological Condition of the Soil.**

Nutrients shall be applied in such a manner as not to degrade the soil's structure, chemical properties, or biological condition. Use of nutrient sources with high salt content will be minimized unless provisions are used to leach salts below the crop root zone. Refer to UC Publication "Agricultural Salinity and Drainage, A Handbook for Water Managers", 1993, FAO Irrigation and Drainage Paper #29 "Water Quality for Agriculture", or equivalent.

Nutrients shall not be applied to flooded or saturated soils when the potential for soil compaction and creation of ruts is high.

#### **CONSIDERATIONS**

Consider induced deficiencies of nutrients due to excessive levels of other nutrients.

Consider additional practices such as Conservation Cover (327), Grassed Waterway (412), Contour Buffer Strips (332), Filter Strips (393), Irrigation Water Management (449), Riparian Forest Buffer (391A), Conservation Crop Rotation (328), Soil Salinity Control (738), Air Management (705), Irrigation Erosion Control (716), Cover Crop (340), and Residue Management (329A, 329B, or 329C, and 344) to improve soil nutrient and water storage, infiltration, aeration, tillage, diversity of soil organisms and to protect or improve water quality.

Consider cover crops whenever possible to utilize and recycle residual nitrogen.

Consider application methods and timing that reduce the risk of nutrients being transported to ground and surface waters, or into the atmosphere. Suggestions include:

- ◆ split applications of nitrogen to provide nutrients at the times of maximum crop utilization
- ◆ avoid or carefully plan fall or winter nutrient application for spring seeded crops to limit N loss from leaching, denitrification, and volatilization or P loss from erosion or runoff.
- ◆ band applications of phosphorus near the seed row
- ◆ apply materials uniformly to fields or as prescribed by precision agricultural techniques
- ◆ incorporate manure or organic by-products immediately after application
- ◆ delay field application of manure or other organic by-products if precipitation capable of producing runoff and erosion is forecast within 24 hours of the planned application.
- ◆ Consider foliar application of nutrients

Consider minimum application setback distances from environmentally sensitive areas, such as streams, wells, gullies, ditches, surface inlets or rapidly permeable soil areas. Refer to local ordinances or guidelines and the California Environmental Handbook.

Consider the potential problems from odors associated with the land application of manure, especially when applied near or upwind of residences.

Consider nitrogen volatilization losses associated with storage, handling, and land application of manure. Nitrogen losses can be significant. Ammonia volatilization can contribute to PM<sub>2.5</sub> during the winter in areas subject to atmospheric inversion layers and dense ground fog.

Consider denitrification losses of N from poorly drained soils.

Consider the potential to affect National Register listed or eligible cultural resources.

Consider using current year soil test information when developing or revising plans, particularly if manure is to be a nutrient source.

Consider annual reviews to determine if changes in the nutrient budget are desirable (or needed) for the next planned crop.

Consider other sampling techniques where useful or when special environmental circumstances exist. (For example: soil profile sampling for nitrogen, pre-sidedress nitrogen test, pre-plant soil nitrate test, or soil surface sampling for phosphorus accumulation or pH changes.)

Consider ways to modify the chemistry of animal manure, including modification of the animal's diet to reduce the manure nutrient content, to enhance the producer's ability to manage manure effectively.

## PLANS AND SPECIFICATIONS

Plans and specifications shall be in keeping with this standard and shall describe the requirements for applying the practice to achieve its intended purpose(s), using nutrients to achieve production goals and to prevent or minimize water quality impairment.

The following components shall be included in the nutrient management plan:

- ◆ aerial photograph or map showing farm infrastructure and a soil map of the site,
- ◆ current and/or planned plant production sequence or crop rotation,
- ◆ results of soil, plant, water, manure or organic by-product sample analyses,
- ◆ realistic yield goals for the crops in the rotation,
- ◆ quantification of all nutrient sources,

- ◆ recommended nutrient rates, timing, form, and method of application and incorporation,
- ◆ location of designated sensitive areas or resources and the associated, nutrient management restriction,
- ◆ guidance for implementation, operation, maintenance, recordkeeping, and
- ◆ complete nutrient budget for nitrogen for the rotation or crop sequence.
- ◆ complete nutrient budget for phosphorus and potassium for the rotation or crop sequence, where required, as defined by this standard.

If increases in soil phosphorus levels are expected in a designated environmentally sensitive area, plans shall document:

- ◆ P Index rating for each field, and for fields rated Medium Risk or higher, alternative practices to address the expected increases.
- ◆ the relationship between soil phosphorus levels and potential for phosphorus transport from the field, and
- ◆ the potential for soil phosphorus drawdown from the production and harvesting of crops.

When applicable, plans shall include other practices or management activities as determined by specific regulation, program requirements, or producer goals.

In addition to the requirements described above, plans for nutrient management shall also include:

- ◆ discussion about the relationship between nitrogen and phosphorus transport and water quality impairment. The discussion about nitrogen should include information about nitrogen leaching into ground water and potential health impacts. The discussion about phosphorus should include information about phosphorus accumulation in the soil, the increased potential for phosphorus transport from the field, and the types of water quality impairment that could result from phosphorus movement into surface water bodies.
- ◆ discussion about how the plan is intended to prevent the nutrients (nitrogen and/or phosphorus) supplied for production purposes from contributing to water quality impairment.

- ◆ a statement that the plan was developed based on the requirements of the current standard and any applicable Federal, state, or local regulations or policies; and that changes in any of these requirements may necessitate a revision of the plan.

## OPERATION AND MAINTENANCE

The owner/client is responsible for safe operation and maintenance of this practice including all equipment. Operation and maintenance addresses the following:

- ◆ periodic plan review to determine if adjustments or modifications to the plan are needed. As a minimum, plans will be reviewed and revised with each soil test cycle.
- ◆ Nutrient management plans are based on projected conditions and must be applied with flexibility. The producer must respond to changing circumstances using the principles included in this practice standard and the plan.
- ◆ protection of fertilizer and organic by-product storage facilities from weather and accidental leakage or spillage.
- ◆ calibration of application equipment to ensure uniform distribution of material at planned rates. Manure water volume should be estimated with 90% accuracy.
- ◆ documentation of the actual rate at which nutrients were applied. When the actual rates used differ from or exceed the recommended and planned rates, records will indicate the reasons for the differences.
- ◆ Maintaining records to document plan implementation. As applicable, records include:
  - soil test results and recommendations for nutrient application,
  - quantities, analyses and sources of nutrients applied,
  - dates and method of nutrient applications,
  - crops planted, planting and harvest dates, yields, and crop residues removed,

- results of water, plant, and organic by-product analyses, and
- dates of review and person performing the review, and recommendations that resulted from the review.

Records should be maintained for five years; or for a period longer than five years if required by other Federal, state, or local ordinances, or program or contract requirements. Records must be maintained by the producer and need not be maintained in NRCS files unless required to document required actions for payment under a contract. Other requirements may be associated with specific contract or program needs.

Workers shall be protected from and avoid unnecessary contact with chemical fertilizers and organic by-products. Protection should include the use of protective clothing when working with plant nutrients. Extra caution must be taken when handling ammonia sources of nutrients, or when dealing with organic wastes stored in unventilated enclosures. Contact the local Agricultural Commissioner for guidance.

The disposal of material generated when cleaning nutrient application equipment shall be accomplished properly and in accordance with local, state, or federal law. Excess material should be collected and stored or field applied in an appropriate manner. Excess material should not be applied on areas of high potential risk for runoff and leaching.

The disposal or recycling of nutrient containers should be done according to state and local guidelines or regulations.

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NATURAL RESOURCES CONSERVATION SERVICE  
CONSERVATION PRACTICE SPECIFICATION

## 590 - NUTRIENT MANAGEMENT

### I. SCOPE

The work shall consist of managing the use of nitrogen and phosphorus for optimum forage and crop yields on fields designated on the conservation plan map or drawing.

### II. GENERAL

A crop nitrogen use budget shall be developed for each crop in the crop rotation listed on the Practice Requirements sheet based on realistic yield goals.

Realistic yield goals shall be based on historic yield data and local fertilizer research findings.

Soil tests and/or plant tissue test shall be used unless otherwise specified on the Practice Requirements sheet

### III. MATERIALS

Chemicals used in performing this practice shall be Federally, State, and locally registered and shall be applied strictly in accordance with authorized registered uses, directions on the label, and other Federal, State, and local policies and requirements.

Chemical containers shall be properly stored and disposed of in a safe manner according to state and local ordinances or procedures.

### IV. USE OF NITROGEN IN GROUND WATER QUALITY CONCERN AREAS

This Section shall apply when specified on the Practice Requirements sheet.

Crops or cover crops with rooting depths and nutrient requirements that utilize nitrogen shall be grown unless otherwise specified on the Practice Requirements sheet.

When the nitrogen fixing crops are grown in a crop rotation, they shall be grown immediately prior to or interplanted with nitrogen depleting crops.

The amount of nitrogen being used shall not be considered excessive for the yield goal by UC Cooperative Extension.

Nitrogen shall be applied in two or more applications timed for the seasonal plant uptake needs and the availability of residual soil nitrogen, nitrogen in the irrigation water, and decaying crop residues and any animal wastes.

Other treatments needed for nitrogen management shall be performed when specified on the Practice Requirements sheet.

### V. USE OF NUTRIENTS IN SURFACE WATER QUALITY CONCERN AREAS

This Section shall apply when specified on the Practice Requirements sheet.

The amounts of nitrogen and phosphorus being used shall not be considered excessive for the yield goal and soil type by UC Cooperative Extension.

Nitrogen shall be applied in two or more applications on irrigated fields timed for the seasonal plant uptake needs and the availability of nitrogen in the soil, in the irrigation water, and from decaying crop residues and any animal wastes.

Cultural operations, plant growth, and crop residues shall reduce the predicted rainfall sheet and rill erosion rate for the crop rotation or other land use to the soil loss tolerance identified for each field.

Irrigation tailwater shall be managed to minimize the amount of nitrogen and phosphorus leaving the farm or property.

In areas with an adopted surface water quality standard for nitrogen or phosphorus, additional erosion control practice shall be performed when specified on the Practice Requirements sheet.

## **VI. OTHER REQUIREMENTS**

The owner, operator, contractor, and other persons shall conduct all work and operations in accordance with proper safety codes for the type of equipment and operations being performed with due regard to the safety of all persons and their property.

Fertilizer application equipment shall be calibrated to ensure applied rates are within 10 percent of the planned rates.

Fertilizer materials shall be protected from weather and accidental leakage or spillage that would adversely affect soil resources or water quality.

## STATEMENT OF WORK

### Nutrient Management (590)

These deliverables apply to this individual practice. For other planned practice deliverables refer to those specific Statements of Work.

#### DESIGN

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##### Deliverables:

1. Design documents that demonstrate criteria in NRCS practice standard have been met and are compatible with planned and applied practices.
  - a. Practice purpose(s) as identified in the conservation plan.
  - b. List of required permits, if required, to be obtained by the client.
  - c. Practice standard criteria-related computations and analyses to develop plans and specifications including but not limited to:
    - i. Results of applicable sampling, analyses, and tests provided by the client.
    - ii. Realistic yield goals for the crop(s) to receive nutrient applications.
    - iii. Planned nutrient and soil amendment application rates, methods, and timing of application in balance with the nutrient budget.
    - iv. Site risk assessment for phosphorus transport when manure or other organic materials are a source of nutrients.
    - v. Other requirements applicable to manure or organic materials, non-point source pollution, soil condition, and air quality.
2. Written plans and specifications shall be provided to the client that adequately describes the requirements to implement the practice and obtain necessary permits. Plans & specifications include:
  - a. Maps that identify areas on which nutrients will be applied.
  - b. Location of setbacks or other sensitive areas with nutrient application restrictions.
  - c. Guidance for nutrient applications on setbacks or other sensitive areas.
  - d. A nutrient budget for nitrogen, phosphorus, and potassium that compares recommended to planned nutrient application rates.
  - e. Guidance for operation and maintenance plan.
  - f. Other requirements listed in the conservation practice standard Nutrient Management (Code 590).
3. Certification that the design meets practice standard criteria and complies with applicable laws and regulations.
4. Design modifications during installation as required.

#### INSTALLATION

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##### Deliverables

1. Pre-implementation conference with client to review the plan
2. Verification that client has obtained required permits, if required for installation.
3. Location of and communication of setback requirements for wetlands, water bodies, streams, and other nutrient-sensitive areas.
4. Installation guidance as needed.
5. Facilitate and implement required design modifications with client and original designer.
6. Advise client/NRCS on compliance issues with all federal, state, tribal, and local laws, regulations and NRCS policies during installation.
7. Certification that the application process and materials meets design and permit requirements.

**STATEMENT OF WORK  
Nutrient Management (590)****CHECKOUT**

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**Deliverables**

1. Records of implementation.
  - a. Extent of practice units applied, acres.
2. Guidance for record keeping (implementation records maintained by the producer or agent)
  - a. Records of crops produced, planting and harvest dates, yields, residue management.
  - b. Records of recurring soil tests, and other tests (e.g. manure, plant tissue, water) used to implement the plan.
  - c. Records of recommended nutrient application rates.
  - d. Records of nutrient applications including quantities, analyses, and sources of nutrients applied; dates and methods of application.
  - e. Records of recurring review of the plan including the dates of review, individual performing the review, and recommendations that resulted from the review.
3. Certification that the application meets NRCS standards and specifications and is in compliance with permits.
4. Progress reporting.

**REFERENCES**

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- NRCS Field Office Technical Guide (eFOTG), Section IV, Conservation Practice Standard – Nutrient Management, 590
- NRCS General Manual Title 450, Part 401.03 (Technical Guides, Policy and Responsibilities) and Title 190, Part 402 (Ecological Sciences, Nutrient Management, Policy)
- NRCS National Planning Procedures Handbook (NPPH), CNMP Technical Guidance Document
- NRCS National Agronomy Manual (NAM) Section 503
- NRCS Agricultural Waste Management Field Handbook, Chapter 4 – Agricultural Waste Characteristics
- NRCS National Environmental Compliance Handbook
- NRCS Cultural Resources Handbook

NATURAL RESOURCES CONSERVATION SERVICE  
CONSERVATION PRACTICE STANDARD

**IRRIGATION WATER MANAGEMENT**

(Acre)  
CODE 449

**DEFINITION**

Irrigation water management is the process of determining and controlling the volume, frequency, and application rate of irrigation water in a planned, efficient manner.

**PURPOSE**

Irrigation water management is applied as part of a conservation management system to support one or more of the following:

- Manage soil moisture to promote desired crop response
- Optimize use of available water supplies
- Minimize irrigation induced soil erosion
- Decrease non-point source pollution of surface and groundwater resources
- Manage salts in the crop root zone
- Manage air, soil, or plant micro-climate.

**CONDITIONS WHERE PRACTICE APPLIES**

This practice is applicable to all irrigated lands.

An irrigation system adapted for site conditions (soil, slope, crop grown, climate, water quantity and quality, etc.) must be available and capable of applying water to meet the intended purpose(s).

**CRITERIA**

**General Criteria Applicable To All Purposes**

All work shall comply with Federal, State, and local laws and regulations. Water shall not be applied in excess of the needs to meet the intended purpose.

**Irrigator Skills and capabilities**

The irrigator and/or decision-maker shall have the knowledge and capability to manage and apply irrigation water in such a manner that the purposes

can be reasonably achieved.

Proper irrigation scheduling, in both timing and amount, control of runoff, and the uniform application of water are of primary concern. The knowledge and capabilities required for efficient water management shall include:

**A. General**

1. How to determine when irrigation water should be applied, based on the rate of water used by crops and on the stages of plant growth and/or soil moisture monitoring.
2. How to measure or estimate the amount of water required for each irrigation, including the leaching needs.
3. How to recognize and control erosion caused by irrigation.
4. How to estimate the uniformity of water application.
5. The capability to measure the amount of water applied.
6. How to perform system maintenance to assure efficient operation.
7. How to determine "where the water goes" after entering the soil surface considering surface and subsurface wetting patterns and soil available water holding capacity.
8. How to manage salinity and shallow water tables through water management.
9. The capability to control the irrigation delivery.

**B. Surface Systems**

1. The relationship between advance rate, time of opportunity, intake rate, and other

Conservation practice standards are reviewed periodically, and updated if needed. To obtain the current version of this standard, contact the Natural Resources Conservation Service.

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characteristics on distribution uniformity and the amount of water infiltrated.

2. How to estimate and control the amount of irrigation runoff.
3. How to adjust stream size, or irrigation time to compensate for seasonal changes in intake rate and the amount of water to be applied.

### **C. Pressurized Systems**

1. How to adjust the application rate and duration to apply the required amount of water.
2. How to recognize and remedy runoff problems.
3. How to identify and improve uniformity of water application.

### **System Performance**

The irrigation system must be capable of applying water uniformly and provide the irrigator with adequate control over water application. The uniformity shall be that which is economically achievable for a given irrigation method and area.

### **Additional Criteria to Manage Soil Moisture to Promote desired Crop Response**

The following principles shall be applied for various crop growth stages:

- The volume of water needed for each irrigation shall be based on plant available water holding capacity of the soil for the crop rooting depth, management allowed soil water depletion, irrigation efficiency, and water table contribution.
- The irrigation frequency shall be based on the volume of irrigation water needed and/or available, the rate of crop evapotranspiration, and effective precipitation.
- The application rate shall be based on the volume of water to be applied, the frequency of irrigation applications, soil infiltration and permeability characteristics, and the capacity of the irrigation system.

### **Additional Criteria To Optimize Use Of Water Supplies**

Limited irrigation water supplies shall be managed to meet critical crop growth stages.

### **Additional Criteria to Minimize Irrigation Induced Soil Erosion**

Application rates shall be consistent with local field conditions for long term productivity of the soil.

### **Additional Criteria to Decrease Non-Point Source Pollution of Surface and Groundwater Resources**

Water application shall be at rates that minimize transport of sediment, nutrients, and chemicals to surface waters and that minimize transport of nutrients and chemicals to groundwater.

### **Additional Criteria to Manage Salts in the Crop Root Zone**

The irrigation application volume shall be increased by the amount required to maintain an appropriate salt balance in the soil profile.

The requirement shall be based on the leaching procedure contained in the National Engineering Handbook (NEH) Part 623, Chapter 2.

### **Additional Criteria to Manage Air, Soil, or Plant Micro-Climate**

The irrigation system shall have the capacity to apply the required rate of water for cold or heat protection as determined by the methodology contained in NEH Part 623, Chapter 2.

### **CONSIDERATIONS**

The following items should be considered when planning irrigation water management:

- Consideration should be given to managing precipitation effectiveness, crop residues, and reducing system losses.
- Modify plant populations, crop and variety selection, and irrigated acres to match available or anticipated water supplies.
- Consider potential for spray drift and odors when applying agricultural and municipal wastewater.

- Equipment modifications and/or soil amendments such as polyacrylamides and mulches should be considered to decrease erosion.
- Consider the quality of water and the potential impact to crop quality and plant development.
- Quality of irrigation water should be considered relative to its potential effect on the soil's physical and chemical properties, such as soil crusting, pH, permeability, salinity, and structure.
- Avoid traffic on wet soils to minimize soil compaction.
- Consider the effects that irrigation water has on wetlands, water related wildlife habitats, riparian areas, cultural resources, and recreation opportunities.
- Management of nutrients and pesticides.
- Schedule salt leaching events to coincide with low residual soil nutrients and pesticides.
- Water should be managed in such a manner as to not drift or come in direct contact with surrounding electrical lines, supplies, devices, controls, or components that would cause shorts in the same or the creation of an electrical safety hazard to humans or animals.
- Consideration should be given to electrical load control/interruptible power schedules, repair and maintenance downtime, and harvest downtime.
- Consider improving the irrigation system to increase distribution uniformity of irrigation water application.

## ENDANGERED SPECIES CONSIDERATIONS

Determine if installation of this practice with any others proposed will have any effect on any federal or state listed Rare, Threatened or Endangered species or their habitat. NRCS's objective is to benefit these species and others of concern or at least not have any adverse effect on a listed species. If the Environmental Evaluation indicates the action may adversely affect a listed species or result in adverse modification of habitat of listed species which has been determined to be critical habitat, NRCS will advise the land user of the requirements of the Endangered Species Act and recommend alternative conservation treatments that avoid the adverse effects. Further assistance will be provided only if the landowner selects one of the alternative conservation treatments for installation; or at the request of the landowners, NRCS may initiate consultation with the Fish and Wildlife Service, National Marine Fisheries Service and/or California Department of Fish and Game. If the Environmental Evaluation indicates the action will not affect a listed species or result in adverse modification of critical habitat, consultation generally will not apply and usually would not be initiated. Document any special considerations for endangered species in the Practice Requirements Worksheet.

## PLANS AND SPECIFICATIONS

Application of this standard may include job sheets or similar documents that specify the applicable requirements, system operations, and components necessary for applying and maintaining the practice to achieve its intended purpose(s).

## OPERATION AND MAINTENANCE

There are no operation and maintenance (O&M) aspects applicable to this standard. Necessary O&M items are addressed in the physical component standards considered companions to this standard.

NATURAL RESOURCES CONSERVATION SERVICE  
CONSERVATION PRACTICE STANDARD

**PEST MANAGEMENT**

(Acre)  
CODE 595A

**DEFINITION**

Managing agricultural pest infestations (including weeds, insects, and diseases) to reduce adverse effects on plant growth, crop production, and environmental resources.

**PURPOSES**

To develop a pest management program that is both consistent with selected crop production goals and environmentally acceptable.

**CONDITIONS WHERE PRACTICE APPLIES**

On cropland where pest control is needed.

On cropland within a ground water quality concern area or within a surface water quality concern area where pest control is needed.

**CRITERIA**

**Ground Water Quality Concern Area**

For each field or conservation treatment unit (CTU), determine which target pesticides are being used and their application schedules.

If one or more target pesticides are being used, find the Pesticide Leaching Potential rating for each of the target pesticides. Refer to the Pesticide Data Base in Section II of the Field Office Technical Guide (FOTG).

Find the Soil Leaching Potential rating for each soil mapping component in the field (or CTU). Refer to the Soil Ratings For Determining Water Pollution Risk For Pesticides list in Section II of the FOTG.

Determine the Potential Pesticide Loss to Leaching rating for each target pesticide being used. Refer to the Potential Pesticide Loss to Leaching Matrix in Section II of the FOTG.

Where the Potential Pesticide Loss to Ground Water is rated as 3, consider this practice not needed on this field (or CTU).

**Surface Water Quality Concern Area**

For each field or conservation treatment unit (CTU), determine which target pesticides are being used and their application schedules.

If one or more target pesticides are being used, find the Pesticide Surface Loss Potential rating for each of the target pesticides. Refer to the Pesticide Data Base in Section II of the Field Office Technical Guide (FOTG).

Find the Soil Surface Loss Potential rating for each soil mapping component in the field (or CTU). Refer to the Soil Ratings For Determining Water Pollution Risk For Pesticides lists in Section II of the FOTG.

Determine the Potential Pesticide Loss to Surface Runoff rating for each targeted pesticide being used. Refer to the Potential Pesticide Loss to Surface Runoff Matrix in Section II of the FOTG.

Where the Potential Pesticide Loss to Surface Runoff is rated as 3, consider this practice not needed on this field (or CTU).

**Both Water Quality Concern Areas**

Where the Potential Pesticide Loss to Ground Water or Surface Runoff is rated as 1 or 2, this practice is needed on this field (or CTU).

Specify the target pests, the cropping sequence, and the target pesticides being used.

Evaluate each target pesticide for its health hazard to humans and animals. If a pesticide is a potential danger to health, suggest that the land user/producer substitute an alternative pesticide, alternative pesticide application techniques, or other pest management techniques.

Identify alternatives with the land user/producer to reduce or eliminate target pesticides including such items as changing crop management techniques to include rotations.

Plan erosion control practices to minimize soil loss and runoff that can carry dissolved and adsorbed pesticides to surface waters. Proper irrigation water management will reduce deep percolation of pesticides. Proper tailwater management can reduce runoff containing pesticides.

Field applications of pesticides should be forgone just prior to predicted heavy rainfall or irrigation to prevent surface water contamination and ineffective control of target plants and animals.

Identify the use of integrated pest management (IPM) systems that utilize the most appropriate means of pest control including cultural, mechanical, chemical, and biological control such as insect attractant traps.

Consider crop rotation and varietal resistance as a part of the integrated pest management system. This will remove or reduce pesticide availability as a potential pollutant of water.

Encourage field scouting of pests to determine when the treatment threshold has been reached. Treatment thresholds for specific insects and crops are available from Cooperative Extension. Uneconomic and environmentally unneeded application of pesticides can thus be avoided.

## CONSIDERATIONS

1. Use integrated pest management principles, some major features of which are incorporated in subsequent items.
2. Consider the use of crop rotations, crop varieties resistant to the target pest(s), and adjusting planting dates to help control weed, insect, and disease problems.
3. Consider mechanical cultivation and biological controls, where appropriate, to control pests.
4. Consider the effect of adequate plant nutrients and soil moisture, favorable pH, and good soil condition to reduce plant stress and improve plant vigor.
5. Consider use of hand weeding for small, isolated areas, or on larger areas where labor costs are not

prohibitive. Spot spraying rather than full-coverage spraying is another alternative.

6. Consider pesticide characteristics such as solubility, toxicity, degradation products, mobility, persistence, adsorption, and efficacy, and relationships to site characteristics such as soil, geology, depth to water table, proximity to surface water, topography, climate, and sensitive environmental elements to determine the potential impact on water quality.
7. Practice timing of pesticide application in relation to present soil moisture, anticipated weather conditions, and irrigation to achieve greatest efficiency and reduce potential for offsite transport. The method of pesticide application, such as ground or aerial spraying, wicking, granules, etc., is important since the degree of drift and volatilization can vary considerably.
8. Consider the effects of erosion control practices, including subsurface water management, used to reduce soil loss and runoff on transport of adsorbed and dissolved pesticides.
9. Consider the effects of repetitive use of the same or similar pesticides on pest resistance and shifts in the pest types.
10. Consider effects of pest control measures on non-target soil organisms, and on aquatic and terrestrial life. Special care should be afforded to threatened and endangered species of plants and animals.
11. Consider effects of the seasonal water budget on potential pesticide loss from the plant environment to surface or ground water.

## Endangered Species Considerations

Determine if installation of this practice with any others proposed will have any effect on any federal or state listed Rare, Threatened or Endangered species or their habitat. NRCS's objective is to benefit these species and others of concern or at least not have any adverse effect on a listed species. If the Environmental Evaluation indicates the action may adversely affect a listed species or result in adverse modification of habitat of listed species which has been determined to be critical habitat, NRCS will advise the land user of the requirements of the Endangered Species Act and recommend alternative conservation treatments that avoid the adverse effects. Further assistance will be provided only if the landowner selects one of the alternative conservation treatments for installation; or

at the request of the landowners, NRCS may initiate consultation with the Fish and Wildlife Service, National Marine Fisheries Service and/or California Department of Fish and Game. If the Environmental Evaluation indicates the action will not affect a listed species or result in adverse modification of critical habitat, consultation generally will not apply and usually would not be initiated. Document any special considerations for endangered species in the Practice Requirements Worksheet.

Some species are year-round residents in some streams, such as, freshwater shrimp. Other species, such as steelhead and salmon, utilize streams during various seasons. Be aware that during critical periods, such as spawning, eggs in gravel's, and rearing of young may preclude activities in the stream that may directly affect the stream habitat during those periods. For example there should be no disturbance of stream gravel beds that may have eggs in them. That could include any equipment in the stream or even walking in the stream or work upstream that may result in sediment depositing in the gravel beds. Document any special considerations for endangered species in the Practice Requirements Worksheet.

#### Water Quantity

This practice is considered to have no effect on the amount of water except on irrigated land where it may result in reduced pesticide laden irrigation runoff due to less water being applied.

#### Water Quality

This practice limits the availability of pesticides in or on the soil and on plant foliage that could pollute surface or ground water by reducing pesticide application numbers and amounts to those necessary to protect the agricultural commodity, or where feasible, eliminating them entirely.

#### PLANS AND SPECIFICATIONS

1. Identify the target pest(s), the life cycle periods when it is most vulnerable to control, and the best mechanical, biological, or chemical control method or combinations of control and list limitations on use.
2. Develop and use a water budget when planning the use of this practice that will show the seasonal distribution of water resources under the appropriate soil-crop-management system.
3. Describe specifications for any pest management measure consistent with state and local regulations. Appropriate land grant university publications concerning pesticide use will be maintained and updated as part of the field office technical guide, and all recommendations for specific pesticides, rates of pesticides, level of crop tolerance, and effectiveness ratings for the target pest(s) shall be in accordance with these publications.
4. Determine potential pesticide loss to surface runoff and leaching using "Soil Ratings for Pesticide Leaching and Surface Loss Potentials" or other appropriate ratings for soils and pesticides in Section II of the field office technical guide. This information will be used to rank the various pesticides in terms of their potential to contaminate water resources and to consider other management options.
5. All specifications will be consistent with state and local regulations.

Specify that the land user/producer shall consult with a Farm Advisor and a Pest Control Advisor (PCA) licensed by the California Department of Food and Agriculture to explore use of non-target pesticides and use of integrated pest management.

Include wording that the person will perform all the necessary operations, safety and maintenance items needed.

#### OPERATION AND MAINTENANCE

1. Prepare a chemical management plan.
2. Maintain mechanical equipment in good working condition and calibrate application equipment to ensure recommended rates are applied. Replace worn components of pesticide application equipment as well as other pest management implements.
3. Operators of equipment must be alert at all times to avoid bodily injury and unnecessary exposure to chemicals.
4. Pesticide users must read and follow label directions, maintain appropriate Material Safety Data Sheets (MSDS), and become certified to apply restricted use pesticides.

5. Apply chemicals during periods of minimum potential for drift.
  6. Minimize exposure to chemicals, wear protective clothing, and use safety equipment as appropriate.
  7. Ensure that the pesticide applicator knows the exact field location to be treated. Post signs according to label directions or state and Federal laws around fields that have been treated. Follow the established re-entry time as stated on the MSDS.
  8. Properly locate chemical mixing and equipment rinsing stations relative to potential for contamination of ground or surface water. Extreme care must be taken to follow loading and mixing procedures. Provide for managing accidental spills.
  9. Properly rinse equipment and re-use rinsate for subsequent batches of the same pesticide, where possible.
  10. Store pesticides in original containers in a locked, well ventilated weather resistant building. Post warning signs on or around the building. Locate the building so that accidental spills will create minimal environmental effects. Dispose of pesticide containers according to label directions and adhere to local or state regulations.
  11. Provide emergency wash stations for personnel who might be accidentally exposed to chemicals, and formulate a safety plan complete with information about locations of emergency treatment centers for personnel exposed to chemicals.
  12. Ensure that backflow prevention devices are installed and operating properly on irrigation systems used for applying pesticides.
  13. Recognize the dangers from excessive exposure to the take appropriate precautionary measures. This is especially important for farm workers who spend long hours in the field.
2. Always maintain a safe distance of several hundred feet from water wells when mixing and loading pesticides.
  3. Clean application equipment after each use by triple rinsing according to state and local regulations. Be sure rinse water is kept away from high runoff areas, wells, ponds, lakes, streams, and other water bodies.
  4. Always store pesticides in the original labeled containers, preferably in a locked building with appropriate warning signs.
  5. Dispose of leftover material and containers according to label requirements. Never reuse pesticide containers for any purpose other than to return to manufacturer.

The pesticide user should be encouraged to:

1. Protect water wells with earth berms to prevent accidental pesticide spills from entering the underground water table.

NATURAL RESOURCES CONSERVATION SERVICE  
CONSERVATION PRACTICE SPECIFICATION

## 595A - PEST MANAGEMENT

### I. SCOPE

The work shall consist of managing the use of Target Pesticides to control agricultural pest infestations on fields designated on the conservation plan map.

### II. GENERAL

This specification applies to Target Pesticides listed in Section II of the local Field Office Technical Guide and identified on the Practice Requirements sheet.

Target Pesticides shall be used on the pests and crops listed on the Practice Requirements sheet.

### III. MATERIALS

All pesticides used in performing this practice shall be Federally, State, and locally registered and shall be applied strictly in accordance with authorized and registered uses, directions on the label, and other Federal or State policies and requirements. Chemical containers shall be properly stored and disposed of in a safe manner.

### IV. PESTICIDE USE IN GROUND WATER QUALITY CONCERN AREAS

This Section shall apply when specified on the Practice Requirements sheet.

The use of substitute nontarget pesticides and integrated pest management shall be discussed with a UC Cooperative Extension Farm Advisor and a Pest Control Advisor (PCA).

Field scouting of pests shall be used to determine when treatment threshold has been reached.

Crop rotation and use of resistant cultivars shall be used when economically viable.

Irrigated Fields treated with a Target Pesticides shall also comply with the Specification No. 449 - Irrigation Water Management.

Other treatments needed for reducing Target Pesticide impacts on ground water shall be performed when specified on the Practice Requirements sheet.

### V. PESTICIDE USE IN SURFACE WATER QUALITY CONCERN AREAS

This Section shall apply when specified on the Practice Requirements sheet.

The use of substitute nontarget pesticides and integrated pest management shall be discussed with a UC Cooperative Extension Farm Advisor and a Pest Control Advisor.

Field scouting of pests shall be used to determine when treatment threshold has been reached.

Crop rotation and use of resistant cultivars shall be used when economically viable.

Pesticides shall not be applied just prior to predicted heavy rainfall or an irrigation.

Cultural operations, plant growth, and crop residues shall reduce the predicted rainfall sheet and rill erosion rate for the crop rotation or permanent crop to the soil loss tolerance identified for each field.

Irrigation tailwater shall be managed to minimized the amount of Target Pesticides leaving the farm.

Other treatments needed to reduce the impacts of Target pesticides on surface waters shall be performed when specified on the Practice Requirements sheet.

### VI. OTHER REQUIREMENTS

The owner, operator, contractor, and other persons shall conduct all work and operations in accordance with proper safety codes for the type of equipment and operations being performed with due regard to the safety of all persons and their property.

Pesticide application equipment shall be calibrated to ensure applied rates are within 10 percent of the planned rates.

Pesticide materials shall be stored in original containers and protected from weather and accidental leakage or spillage.

## STATEMENT OF WORK

### Irrigation Water Management (449)

These deliverables apply to this individual practice. For other planned practice deliverables refer to those specific Statements of Work.

#### DESIGN

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##### Deliverables:

1. Design documents that demonstrate criteria in NRCS practice standard have been met and are compatible with planned and applied practices.
  - a. Practice purpose(s) as identified in the conservation plan
  - b. List of required permits to be obtained by the client
  - c. List of facilitating practices
  - d. Practice standard criteria-related computations and analyses to develop plans and specifications including but not limited to:
    - i. Volume of water (per irrigation & per season)
    - ii. Frequency of irrigation
    - iii. Application rate
    - iv. Environmental considerations
2. Written plans and specifications including sketches and drawings shall be provided to the client that adequately describes the requirements to install the practice and obtain necessary permits.
3. Operation and maintenance plan.
4. Certification that the design meets practice standard criteria and comply with applicable laws and regulations.
5. Design modifications during installation as required.

#### INSTALLATION

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##### Deliverables

1. Pre-installation conference with client.
2. Verification that client has obtained required permits.
3. Staking and layout of measures according to plans and specifications including applicable layout notes.
4. Installation guidance as needed.
5. Facilitate and implement required design modifications with client and original designer.
6. Advise client/NRCS on compliance issues with all federal, state, tribal, and local laws, regulations and NRCS policies during installation.
7. Certification that the installation process and materials meet design and permit requirements.

#### CHECK OUT

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##### Deliverables

1. Records of installation.
  - a. Extent of practice units applied
  - b. Actual amount of water applied during the growing season
2. Certification that the application meets NRCS standards and specifications and is in compliance with permits.
3. Progress reporting.

#### REFERENCES

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- NRCS Field Office Technical Guide, Irrigation Water Management, 449
- NRCS National Engineering Handbook, part 652, National Irrigation Guide
- NRCS National Engineering Manual
- NRCS National Environmental Compliance Handbook
- NRCS Cultural Resources Handbook

NATURAL RESOURCES CONSERVATION SERVICE  
CONSERVATION PRACTICE SPECIFICATION

## 449 - IRRIGATION WATER MANAGEMENT

### I. SCOPE

This practice shall consist of improving the application of irrigation water to the fields as shown on the plan(s) or drawing(s), and/or as stake in the field.

### II. IRRIGATOR SKILLS AND CAPABILITIES

The irrigator and/or decision maker shall have the knowledge and capability to manage and apply irrigation water in such a manner to achieve the objectives.

Proper irrigation scheduling, in both timing and amount, control or runoff, and the uniform application of water are of primary concern. The knowledge and capabilities required for efficient water management should include:

#### A. General

1. How to determine when irrigation water should be applied, based on the rate of water used by crops and on the stages of plant growth and/or soil moisture monitoring.
2. How to measure or estimate the amount of water required for each irrigation, including the leaching needs.
3. How to recognize and control erosion caused by irrigation.
4. How to estimate the uniformity of water application.
5. The capability to measure the amount of water applied.
6. How to perform system maintenance to assure efficient operation.
7. How to determine "where the water goes" after entering the soil surface considering surface and subsurface wetting patterns and soil available water holding capacity.

8. How to manage salinity and shallow water tables through water management.

9. The capability to control the irrigation delivery.

#### B. Surface Systems

1. The relationship between advance rate, time of opportunity, intake rate, and other characteristics on distribution uniformity and the amount of water infiltrated.
2. How to estimate and control the amount of irrigation runoff.
3. How to adjust stream size, or irrigation time to compensate for seasonal changes in intake rate and the amount of water to be applied.

#### C. Pressurized Systems

1. How to adjust the application rate and duration to apply the required amount of water.
2. How to recognize runoff problems.

### III. SYSTEM PERFORMANCE

The irrigation system must be capable of applying water uniformly and provide the irrigator with adequate control over water application. The uniformity shall be that which is economically achievable for a given irrigation method and area.

### IV. IMPLEMENTATION

The implementation of this practice should be by incremental application of recommended changes in the system. The cooperators may not acquire all of the skills required from a few technical assistance visits. Management changes in the system operation usually require a long-term relationship during which new methods can be explained and tried.

Follow up visits should be made to provide any further assistance and to verify the implementation of improvements. The goal is to have an acceptable

irrigation system in place and an irrigator which applies efficient water management skills routinely.

#### **V. BASIS OF ACCEPTANCE**

The practice shall be considered acceptable after on-site inspection has been made and a determination that the principles of the Practice have been adhered to.

#### **VI. OPERATION AND MAINTENANCE**

The owner/user should be aware of the items listed in the Operation and Maintenance plan that has been prepared and provided to him for his guidance in managing the operations for this practice.

NATURAL RESOURCES CONSERVATION SERVICE  
CONSERVATION PRACTICE STANDARD

**MULCHING**

(Acre)

**CODE 484**

**DEFINITION**

Applying plant residues or other suitable materials to the soil surface.

**PURPOSES**

To conserve moisture; prevent surface compaction or crusting; reduce runoff and erosion; modify surface temperatures, control weeds; help establish plant cover and reduction of particulate matter emissions into the air.

**CONDITIONS WHERE PRACTICE APPLIES**

On soils subject to erosion; on areas where traffic may cause compaction, erosion, or airborne emissions, where conserving soil moisture is desirable and on soils that have a low infiltration rate.

**CRITERIA**

**Erosion Control on Critical Areas**

When mulching with straw, use at least 4,000 pounds of cereal grain straw or grass hay per acre evenly distributed over the area to be treated and anchored sufficiently to hold it on the site.

When mulching with wood fiber, use at least 2,000 pounds of wood fiber mulch per acre.

**Other Applications**

When mulching with straw, use at least 2,000 pounds of cereal grain straw or grass hay per acre evenly distributed over the area to be treated and anchored sufficiently to hold it on the site

When mulching with other wood products (chips, bark, shavings) or other material, they must be applied in an amount that will provide at least 80 percent ground cover.

When mulching with gravel or other inorganic material for permanent erosion control, they must be applied in sufficient amounts to provide 90 percent ground cover.

All straw mulch materials will be acceptable to the County Agricultural Commissioner, per California Food and Agriculture Code Section 5101 and 5205.

**Protection or Soil Improvement**

The mulch material used will be evenly applied in sufficient amounts to achieve the results contemplated when used alone or in combination with other practices.

When waste materials with potential for polluting surface waters are used for mulching (animal manures, sewage sludge, wastes from food processing, other similar materials) care will be taken to assure that runoff from the area will not enter streams, lakes, ponds, or reservoirs and that nitrate leaching will not be a problem. Measures will also be taken to prevent mulch from washing away due to concentrated flows, rainfall, or irrigation.

**CONSIDERATIONS**

Common mulch materials available include barley oats, rice, and wheat straw. Rice straw tends to persist longer. Most hay will decompose faster than barley or wheat.

Many hillside producers often "winterize" their steep farm roads with straw at the beginning of the rainy season and then restrict vehicle traffic.

Disturbed construction sites (incl. building pads, mass grading, house pads, rough grading projects) often use mulches to comply with their conditional use permit to comply with their storm water pollution prevention plan, grading ordinance, erosion control plan or conditional use permit.

Barley and wheat straw usually contains 10 to 15 pounds/acre of seed. The resulting green growth does

not interfere with most intended uses or future landscaping.

Use of wheat straw usually results in less volunteer grain when compared to barley straw.

Rollers and crimpers can be pulled on slopes up to 3:1. Where there is access, equipment can be winched up and down steeper slopes. Tackifiers can be utilized to anchor when equipment cannot be used on the site.

Use 75 feet as the effective range for straw blowing equipment.

Use 125 feet as the effective range for hydroseeders. With the use of a 100-foot hose the range can be extended up to 200 feet.

Many organic waste materials are suitable for use as mulches. These materials include wood bark, chips, shavings, and sawdust; animal manures; rice hulls; and some food processing plant wastes.

Demand for mulching as a method of protecting steep areas disturbed by construction (road sides, ditch banks, building sites, dams, etc.) has led to development of equipment for applying mulches and a number of products to hold mulching materials in place.

Mulching application equipment includes blowers, hydro applicators.

Manufactured mulches include wood-fiber and paper mulch.

### **Anchoring**

Anchoring of mulches can be accomplished by using the following methods:

Netting, tackifiers, matting; hand, roller, or crimper punching and disk-type straw punchers.

Netting to anchor mulches is made from plastics, paper, jute, and burlap. They are anchored with staples of various materials.

Several liquid "tackifiers" that can be mixed with water and sprayed on fiber mulches to bind them together are available. These "tackifiers" will be compatible with the mulch applied and in sufficient amount to adequately bind the materials together for the intended life of the practice.

### **Water Quantity**

Mulching is the application of some material around plants and crops, and on areas which have been disturbed and require temporary protection. Mulching is used to control weeds, surface temperatures, erosion, and to retain moisture.

Mulching may improve microbial action in the soil surface, may improve infiltration, and may reduce runoff, erosion, and evaporation. Increased infiltration may result in soluble chemicals moving below the root zone.

There is a potential for changes in plant growth and transpiration because of changes in the soil water volume.

### **Cultural Resources Considerations**

Determine if installation of this practice with any others proposed will have any effect on any cultural resources. NRCS's objective is to avoid any effect to cultural resources and protect them in their original location. GM 420, Part 401, the California Environmental Handbook and the training for the California Environmental Assessment Worksheet specify how the NRCS must account for cultural resources. The Field Office Technical Guide, Section II contains general information, with Web sites for additional information, about cultural resources. The Environmental Handbook is online at [www.ca.nrcs.usda.gov/rts/rts.html](http://www.ca.nrcs.usda.gov/rts/rts.html).

### **Endangered Species Considerations**

Determine if installation of this practice with any others proposed will have any effect on any federal or state listed Rare, Threatened or Endangered species or their habitat. NRCS's objective is to benefit these species and others of concern or at least not have any adverse effect on a listed species.

If the Environmental Evaluation indicates the action may adversely affect a listed species or result in adverse modification of habitat of listed species which has been determined to be critical habitat, NRCS will advise the land user of the requirements of the Endangered Species Act and recommend alternative conservation treatments that avoid the adverse effects. Further assistance will be provided only if the landowner selects one of the alternative conservation treatments for installation; or at the request of the

landowners, NRCS may initiate consultation with the Fish and Wildlife Service, National Marine Fisheries Service and/or California Department of Fish and Game. If the Environmental Evaluation indicates the action will not affect a listed species or result in adverse modification of critical habitat, consultation generally will not apply and usually would not be initiated. Document any special considerations for endangered species in the Practice Requirements Worksheet.

Some species are year-round residents in some streams, such as, freshwater shrimp. Other species, such as steelhead and salmon, utilize streams during various seasons. Be aware that critical periods, such as spawning, eggs in gravels, and rearing of young may preclude activities in the stream that may directly affect the stream habitat during those periods. For example there should be no disturbance of stream gravel beds that may have eggs in them. That could include any equipment in the stream or even walking in the stream or work upstream that may result in sediment depositing in the gravel beds. Document any special considerations for endangered species in the Practice Requirements Worksheet.

### **Water Quantity**

Mulching is the surface application of plant residues or other suitable materials on the soil surface. It includes the application on areas which have been disturbed and require temporary protection. Mulching is used to control weeds, help establish plant cover, control surface temperatures, reduce erosion, reduce particulate matter and to retain moisture.

Mulching may improve microbial action on the soil surface, may reduce runoff, erosion and evaporation. Increased infiltration may result in soluble chemicals moving below the root zone.

There is a potential for changes in plant growth and transpiration because of changes in the soil water volume.

### **Water Quality**

This practice may reduce the delivery of sediment and related chemicals to surface water by reducing runoff and erosion. The temperature of the surface runoff may be lowered.

## **PLANS AND SPECIFICATIONS**

Plans and Specifications shall be in keeping with this standard and shall describe the requirements for applying the practice to achieve its intended purpose.

Include the amount and type of mulch needed on the Practice Requirement Sheet along with all details needed for proper application.

## **OPERATION AND MAINTENANCE**

The owner or operator will be responsible for operating all equipment safely and maintaining this practice.

Mulch will be replaced as needed to maintain the amount of mulch during the required period.

The area mulched will be inspected after significant events to ensure the mulch is adequate for the intended purpose.

## **REFERENCES**

**STATEMENT OF WORK**  
**Mulching (484)**

These deliverables apply to this individual practice. For other planned practice deliverables refer to those specific Statements of Work.

**DESIGN**

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**Deliverables:**

1. Design documents that demonstrate criteria in NRCS practice standard have been met and are compatible with planned and applied practices.
  - a. Practice purpose(s) as identified in the conservation plan
  - b. List of required permits to be obtained by the client
  - c. Compliance with NRCS national and state utility safety policy (NEM Part 503-Safety, Subpart A - Engineering Activities Affecting Utilities 503.00 through 503.06)
  - d. Practice standard criteria-related computations and analyses to develop plans and specifications including but not limited to:
    - i. Type of material, thickness/depth, durability
    - ii. Preparatory surface treatment including vegetation measures
    - iii. Application technique by material type
    - iv. Additional requirements to conserve soil moisture, moderate soil temperature, control erosion, suppress weeds, establish vegetative cover, improve soil condition and increase soil fertility
2. Written plans and specifications including sketches and drawings shall be provided to the client that adequately describes the requirements to install the practice and obtain necessary permits. Plans and specifications shall be developed in accordance with the requirements of conservation practice standard Mulching (Code 484).
3. Documentation of needed operation and maintenance.
4. Certification that the design meets practice standard criteria and comply with applicable laws and regulations.
5. Design modifications during installation as required.

**INSTALLATION**

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**Deliverables**

1. Pre-application conference with client.
2. Verification that client has obtained required permits.
3. Staking and layout according to plans and specifications including applicable layout notes.
4. Application guidance as needed.
5. Facilitate and implement required design modifications with client and original designer.
6. Advise client/NRCS on compliance issues with all federal, state, tribal, and local laws, regulations and NRCS policies during installation.
7. Certification that the application process and materials meet design and permit requirements.

**CHECK OUT**

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**Deliverables**

1. Records of application.
  - a. Extent of practice units applied
  - b. Actual kinds of surface treatments used and applied
2. Certification that the application meets NRCS standards and specifications and is in compliance with permits.
3. Progress reporting.

**REFERENCES**

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- NRCS Field Office Technical Guide (eFOTG), Section IV, Conservation Practice Standard – Mulching, 484
- National Agronomy Manual
- NRCS National Environmental Compliance Handbook
- NRCS Cultural Resources Handbook

NATURAL RESOURCES CONSERVATION SERVICE  
CONSERVATION PRACTICE SPECIFICATION

## 484 - MULCHING

### I. SCOPE

The work shall consist of furnishing all materials and placing them on all exposed, disturbed, or barren areas within the field or project area to the limits as shown on the drawings, or as staked in the field.

### II. MATERIALS

#### Straw

Straw shall be new straw derived from rice, wheat, oats, or barley. Clearance shall be obtained from the County Agricultural Commissioner, as required by law, before straw obtained outside the county in which it is to be used is delivered to the site.

#### Wood Fiber

Wood fiber shall be a wood cellulose fiber that contains no germination or growth inhibiting factors. The wood fiber has the property to be evenly dispersed and suspended when agitated in water. The wood fiber mulch may also be produced from the following materials:

- A. Recycled wood fiber, such as wood chips or similar wood materials
- B. A combination of recycled newsprint and cardboard materials that contain at least 50 percent cardboard or,
- C. A combination of recycled newsprint and non-recycled wood fiber or recycled wood fiber materials that does not contain more than 50 percent newsprint

#### Tackifier

Tackifier material shall be of the material specified on the Practice Requirements Sheet and shall have the property to be evenly dispersed and

suspended in water when agitated. It shall be colored with a nontoxic water-soluble green dye to provide a proper gauge for metering of material over ground surfaces.

#### Jute Matting

Jute matting shall be of cloth of uniform plain weave of undyed and unbleached jute yarn with a minimum weight of 1 pound per 10 square feet, and shall have  $\frac{3}{4}$  inch square openings.

#### Excelsior Matting

Excelsior matting shall consist of a mat of wood excelsior fiber with a consistent thickness and the fiber evenly distributed over the entire area of the blanket. At least 70% of the fibers shall be 6 inches or longer in length. The topside of the blanket shall be covered with a biodegradable, extruded plastic mesh with a maximum opening size of 2 by 2 inches.

#### Plastic Netting

Plastic netting shall be polypropylene extruded plastic netting with square or rectangular openings not greater than 1 inch and a weight of not less than 2.6 pounds per 1000 square feet.

#### Staples, Pins, and Stakes

Staples, pins, and stakes shall be of metal, wood, plastic, or other acceptable material and of a length as specified on the Practice Requirements Sheet.

#### Other Materials

Other materials shall be used when specified on the Practice Requirements Sheet.

### III. MULCHING DATES

Mulching shall be performed prior as specified on the Practice Requirements Sheet.

### IV. SITE PREPARATION

The area to be mulched shall be weed free and have a uniform surface. No implement shall be used that will

create an excessive amount of downward movement of clods on sloping areas.

Trash, weeds, and other debris that will interfere with mulching or maintenance shall be removed.

Site preparation shall be suspended when soil moisture conditions are not suitable for obtaining a satisfactory surface.

## V. APPLYING THE MULCH

Use one of the following methods of application as specified on the Practice Requirements Sheet.

### Mulching with Wood Fiber

A wood fiber covering shall be distributed uniformly over the area in a water slurry by hydroseeder.

The slurry shall contain wood fiber at the rate of 2,000 pounds per acre with a tackifier unless a different amount is specified on the Practice Requirements Sheet.

Application rates for wood fiber mulch products that have moisture contents greater than 15 percent shall be increased by the following factor, c:

$$c: = \frac{85 \text{ percent}}{\text{percent fiber (solids) in product}}$$

The application rate of the tackifier shall be:

Tackifier	Rate	Wood Fiber Mulch
M-Binder	100lbs	1,500 to 2,000lbs
Sentinel	100lbs	1,500 to 2,000lbs
Ecotak-SAT	100lbs	1,500 to 2,000lbs
Fish-STIK	100lbs	1,500 to 2,000lbs
Soil Master WR	100gal	2,000 to 2,500lbs

The hydroseeder shall be equipped with a built-in continuous agitation system of sufficient operating capacity to produce a homogenous slurry and a discharge system which will apply the slurry to the slopes at a continuous and uniform rate.

The materials shall not remain in the slurry longer than two (2) hours. Water used shall be potable water or Class 1 or 2 agricultural irrigation water.

The slurry shall be continuously mixed and shall be mixed for at least five (5) minutes after the last addition before application starts.

The slurry shall be applied uniformly over the site.

### Mulching with Straw

A straw covering shall be distributed uniformly over the area at the rate of 2 tons per acre unless a different amount is specified on the Practice Requirements Sheet. The straw shall be applied by hand, blower, or other suitable equipment. If straw is applied by blower, it shall not be chopped in lengths less than 6 inches.

### Anchoring the Straw Mulch

When specified on the Practice Requirements Sheet, the straw mulch shall be anchored in place. The anchoring process may include hand tools, mulching rollers, disks, or similar types of suitable equipment alone or in combination with a hydro-mulch material and shall be performed in a satisfactory manner. When specified on the Practice Requirements Sheet, hydro-mulch material alone may be used.

Anchoring may be accomplished using the following:

*Hand Punching:* A spade or shovel shall be used to punch the straw into the slope until 95 percent of the area has straw standing perpendicular to the slope and embedded at least 3 inches into the soil. It shall be punched from 12 to 18 inches apart.

*Roller punching:* A roller equipped with straight studs not less than 6 inches long, from 4 to 6 inches wide and approximately 1 inch thick shall be rolled over the slope.

*Crimper Punching:* A crimper with serrated disk blades about 4 to 8 inches apart shall be rolled over the slope forcing the straw mulch into the soil. Crimping should be done in two directions with the final pass across the slope.

The following shall be used on large steep areas which cannot be punched by hand or by roller:

*Matting.* Jute, excelsior or other matting specified on the Practice requirements Sheet shall be utilized.

Matting shall be applied up and down slope and continue beyond the edge of the mulched area at least 1 foot.

Matting shall be cut around objects so that it lies flat on the soil surface.

At the top of the area the matting shall be buried in a trench at least 6 inches deep.

*Overlap:* Sides of the rolls shall overlap at least 4 inches. Overlapping ends will have at least 6 inches of overlap with the uphill roll overlying the downhill roll.

*Staple:* Staples shall be driven perpendicularly into the slope and spaced approximately 5 feet apart on the sides of the rolls and approximately 1-foot apart where the ends of the rolls overlap.

### Plastic Netting

Plastic netting shall be applied up and down slope and shall continue beyond the edge of the mulched area at least one foot at the sides, top, and bottom of the area.

At the top of the area, the netting shall be buried in a trench at least 6 inches deep.

*Overlap:* Sides of the rolls shall overlap at least 4 inches. Overlap the upper strip 3 feet over the lower strip and secure with stakes every 2 feet.

Staples, pins, or stakes shall be driven perpendicularly into the slope.

Secure the upper end with stakes every 2 feet. The sides of the rolls shall be secured with stakes spaced approximately 5 feet apart. Additionally, the center of each roll shall be secured down the center approximately every 5 feet.

Where the ends of the rolls overlap, secure with stakes approximately 2 feet apart.

### Tackifier

The hydro-mulch material shall be applied uniformly over the straw in water slurry by hydroseeder within 48 hours following mulching. Unless otherwise specified on the Practice Requirements Sheet, the hydro-mulch shall be wood fiber mulch, a tackifier, and water in the following portions per acre:

Tackifier	Rate	Wood Fiber Mulch	Water
M-Binder	100 lbs	150 lbs	700 gal
Ecotak-SAT	100 lbs	150 lbs	700 gal
Sentinel	100 lbs	500 lbs	2,000 gal
Fish-STIK	60 lbs	500 lbs	3,000 gal
Soil Master WR	100 gal	250 lbs	1,000 gal

Application rates for wood fiber mulch products that have moisture contents greater than 15 percent shall be increased by the following factor, c:

$$c = \frac{85 \text{ percent}}{\text{percent fiber (solids) in product}}$$

The hydroseeder shall be equipped with a built-in continuous agitation system of sufficient operating capacity to produce homogenous slurry and a discharge system, which will apply the slurry to the slopes at a continuous and uniform rate.

The materials shall not remain in the slurry longer than two (2) hours. Water used shall be potable water or Class 1 or 2 agricultural irrigation water.

The slurry shall be continuously mixed and shall be mixed for at least five (5) minutes after the last addition before application starts.

The slurry shall be applied uniformly over the site.

### Mulching with Gravel

A gravel covering, with the size of the gravel specified on the Practice Requirements Sheet shall be distributed uniformly over the area at the rate specified on the Practice Requirements sheet to provide at least 95 percent ground cover. A fabric may be placed under the gravel.

### Mulching with Other Materials

The material(s) specified on the Practice Requirements Sheet shall be distributed uniformly over the area at the rate specified on the Practice Requirements Sheet to provide at least 80 percent ground cover unless otherwise specified on the Practice Requirements Sheet.

### Other Materials – Mats

*Mats:* Mats shall be applied as specified on the Practice Requirements Sheet. They will be anchored in a manner that will keep them in place.

## VI. OTHER REQUIREMENTS

Operations shall be done in such a manner that soil erosion and air and water pollution are minimized and held within legal limits.

The owner, operator, contractor, and other persons shall conduct all work and operations in accordance

484-4

with proper safety codes for the type of equipment and operations being performed with due regards to the safety of all persons and property.

APN.

GP

# Storm Water Pollution Control Plan

SHEET 1

OF 1

DATE

COUNTY OF VENTURA  
PUBLIC WORKS AGENCY  
DEVELOPMENT SERVICES

SPEC. NO.

PPM. N.

1364.0

APPROVED: COUNTY OF VENTURA

DATE: \_\_\_\_\_

BY \_\_\_\_\_  
MANAGER, DEVELOPMENT SERVICES

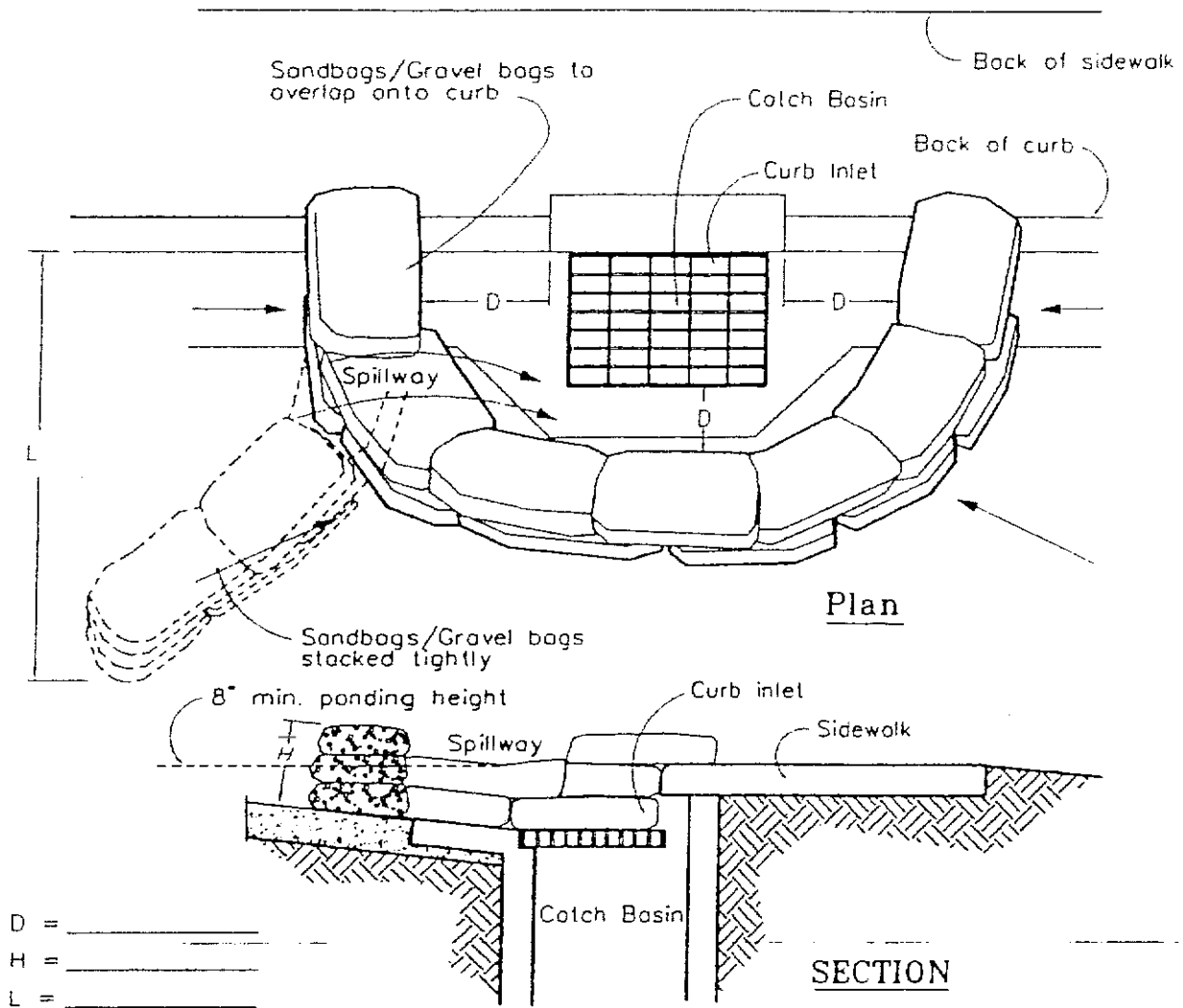
## General Notes

1. Best Management Practices (BMP's) contained herein reflect minimum requirements. For additional BMP's refer to California Stormwater BMP Handbooks.
2. All construction activity shall be performed in accordance with a Stormwater Pollution Control Plan (SWPCP) developed and implemented in compliance requirements of the Ventura Countywide Stormwater Quality Management Program, National Pollution Discharge Elimination System (NPDES) Permit CAS063339.
3. The SWPCP shall:
  - a. Identify potential pollutant sources and include the design and placement of BMP's to effectively prohibit the entry of pollutants from the construction site into and onto the street and storm drain system during construction.
  - b. Be kept on site and amended to reflect changing conditions throughout the course of construction.
  - c. Be kept up to date. Any additional updates requested by agency representative are to be made immediately.
4. Non-Stormwater discharges are prohibited from entering any storm drain system and/or street.
5. Discharges of pumped ground water require a discharge permit from the California Regional Water Quality Control Board (RWQCB).
6. Pollutants shall be removed from stormwater discharges to the Maximum Practicable (MEP) through design & implementation of the SWPCP.
7. A standby crew for emergency work shall be available at all time during rainy season (Nov. 1 to Apr. 15). Necessary materials shall be available and stockpiled at convenient locations to facilitate rapid construction of emergency devices when rain is imminent.
8. Portable sanitary facilities shall be located on relatively level ground away from traffic areas, drainage courses, and storm drain inlets.
9. Employees, subcontractors and suppliers shall be educated on all BMP's including concrete waste storage and disposal procedures.
10. Sediment control practices shall effectively prevent a net increase of sediment load in stormwater discharge.

## General Notes

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  - b. Be kept on site and amended to reflect changing conditions throughout the course of construction.
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6. Pollutants shall be removed from stormwater discharges to the Maximum Extent Practicable (MEP) through design & implementation of the SWPCP.
- ~~7. A standby crew for emergency work shall be available at all time during the rainy season (Nov. 1 to Apr. 15). Necessary materials shall be available on site and stockpiled at convenient locations to facilitate rapid construction of emergency devices when rain is imminent.~~
8. Portable sanitary facilities shall be located on relatively level ground away from traffic areas, drainage courses, and storm drain inlets.
9. Employees, subcontractors and suppliers shall be educated on all BMP's including concrete waste storage and disposal procedures.
10. Sediment control practices shall effectively prevent a net increase of sediment load in stormwater discharge.

### Catch Basin/Inlet Protection

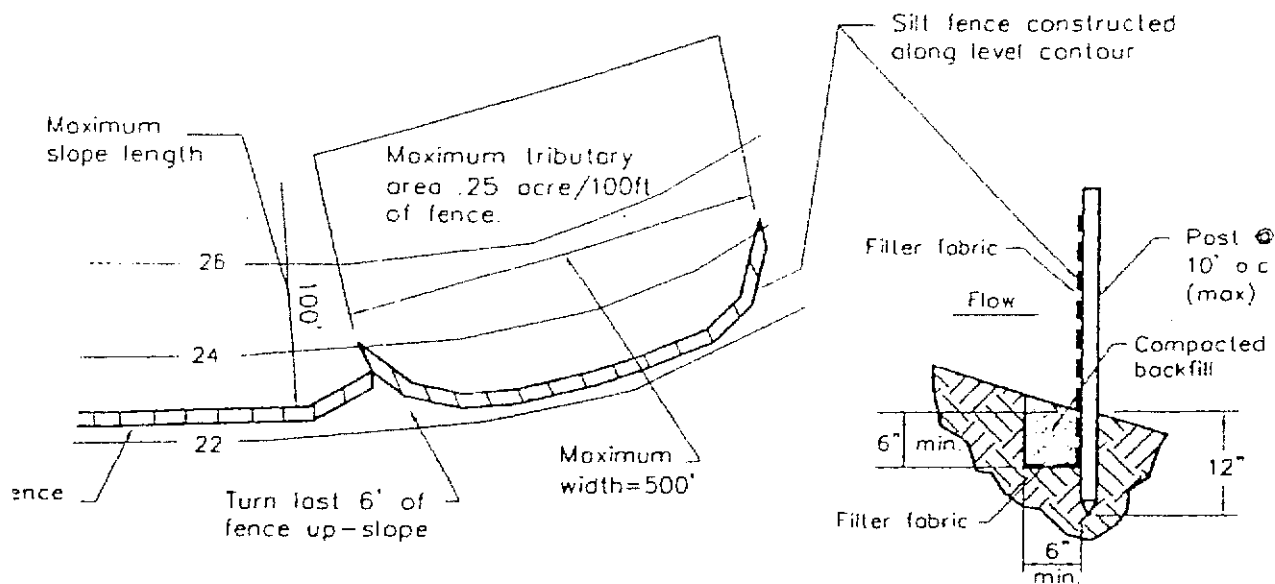


Notes:

1. Catch Basin/Inlet protection shall be installed wherever there is a potential of stormwater or non-stormwater being discharged into it.
2. Inlet protection is required along with other pollution prevention measures such as; erosion control, soil stabilization, and measures to prevent tracking onto paved surfaces.
3. Modify inlet protection as needed to avoid creating traffic hazards.
4. Include inlet protection measures at hillside v-ditches and misc. drainage swales.
5. Inlet protection shall be inspected and accumulated sediments removed. Sediment shall be disposed of properly and in a manner that assures that the sediment does not enter the storm drain system.
6. Damaged bags shall be replaced immediately.
7. Additional sandbag sediment traps shall be placed at intervals as indicated on site plan.

# B

## Silt Fence

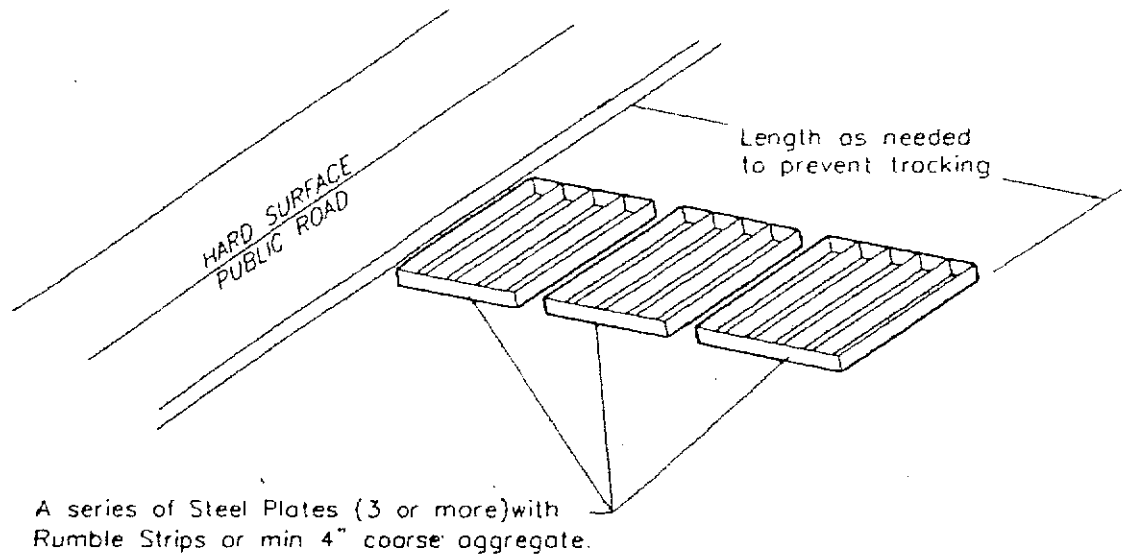


### Notes:

1. Construct the silt fence along a level contour.
2. Silt fences shall remain in place until the disturbed area is permanently stabilized.
3. Provide sufficient room for runoff to pond behind the fence and allow sediment removal equipment to pass between the silt fence and toe of slope or other obstructions. About 1200 sq. ft. of ponding area shall be provided for every acre draining to the fence.
4. Turn the ends of the filter fence uphill to prevent stormwater from flowing around the fence.
5. Leave an undisturbed or stabilized area immediately downslope from the fence.
6. Do not place in live stream or intermittently flowing channels.
7. When standard filter fabric is used, a wire mesh support fence shall be fastened securely to the upslope side of the posts using heavy-duty wire staples at least 1 inch long, tie wires or hog rings.

# C

## Stabilized Construction Entrance



### Notes:

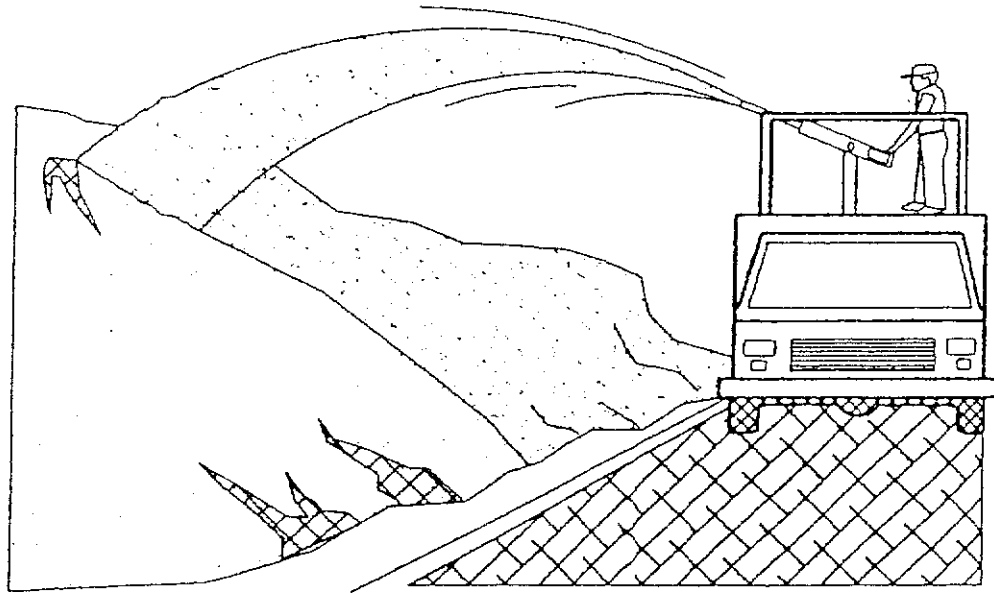
1. Sediments and other materials shall not be tracked from the site by vehicle traffic. The construction entrance roadways shall be stabilized so as to prevent sediments from being deposited into the public roads. Depositions must be swept up immediately and may not be washed down by rain or other means into the storm drain system.
2. Stabilized construction entrance shall be:
  - a. Located at any point where traffic will be entering or leaving a construction site to or from a public right of way, street, alley, and sidewalk or parking area.
  - b. A series of steel plates with "rumble strips", and/or min 4" coarse aggregate with length, width & thickness as needed to adequately prevent any tracking onto paved surfaces.
3. Adding a wash rock with a sediment trap large enough to collect all wash water can greatly improve efficiency.
4. All vehicles accessing the construction site shall utilize the stabilized construction entrance sites.

## Street Maintenance

1. Remove all sediment deposited on paved roadways immediately.
2. Sweep paved areas that receive construction traffic whenever sediment becomes visible.
3. Pavement washing with water is prohibited if it results in a discharge to the storm drain system.

# D

## Erosion Control

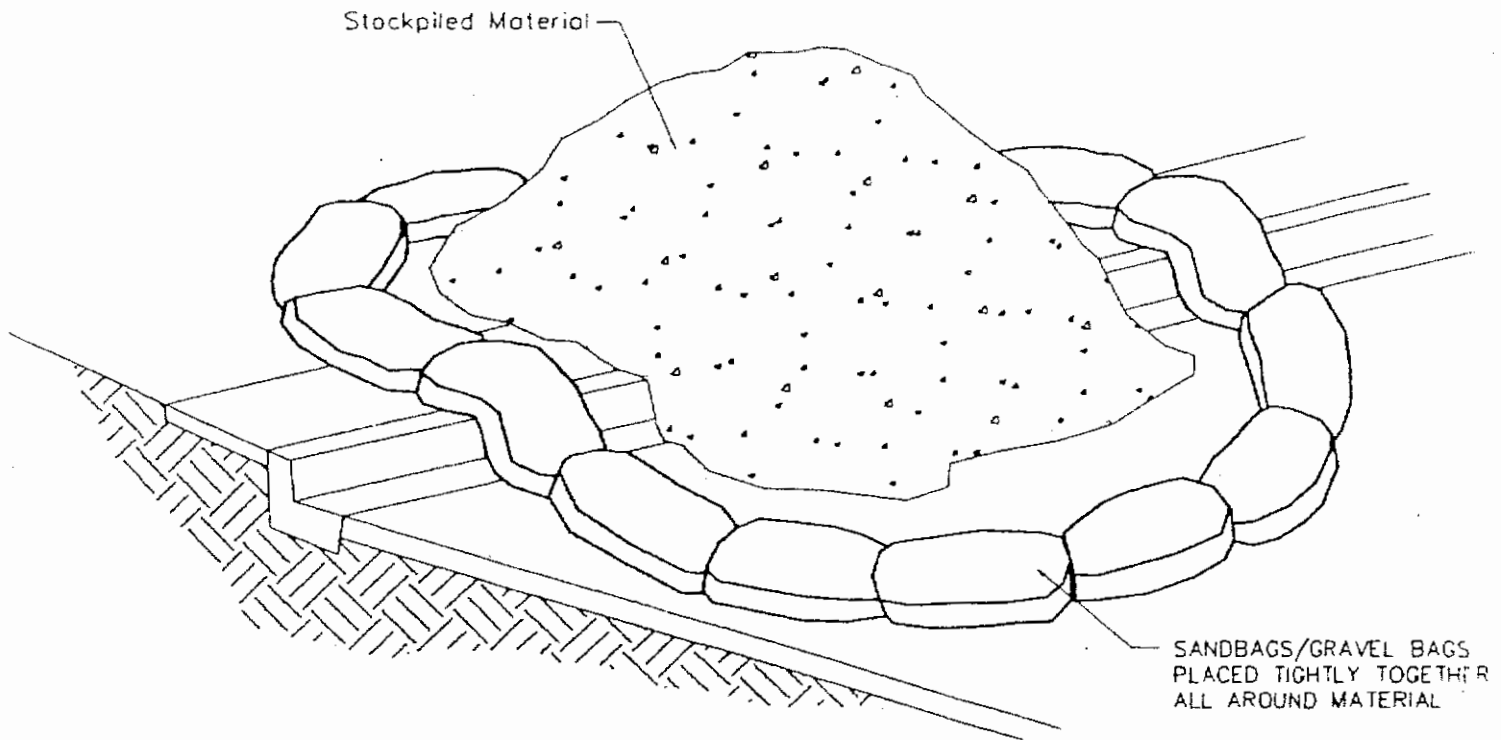


### Notes:

1. Soil/Slope stabilization practices shall be designed to preserve existing vegetation where feasible and to revegetate open areas as soon as feasible after grading. These control practices shall include temporary seeding, permanent seeding, mulching, sod stabilization, vegetative buffer strips, protection of trees, or other soil stabilization practices.
2. Soil stabilization shall be implemented on all inactive disturbed areas from November 1 thru April 15 and on all disturbed areas during a rain event or potential rain.
3. Stabilization practices shall control/prevent erosion from the forces of wind and water.
4. Stabilization practices shall be implemented in conjunction with sediment trapping/filtering practices and practices to reduce the tracking of sediment onto paved roads.
5. When using straw mulching, the minimum application shall be 2 tons/acre. Mulch must be anchored immediately to minimize loss by wind or water.
6. When using hydroseeding/mulching, the minimum application of wood fiber shall be 1,500 lbs/acre. That does not contain more than 50 percent newsprint.
7. For seeding recommendations, contact: USDA, Natural Resources Conservation Service or Ventura County RCD.

# ***E***

## Material Storage

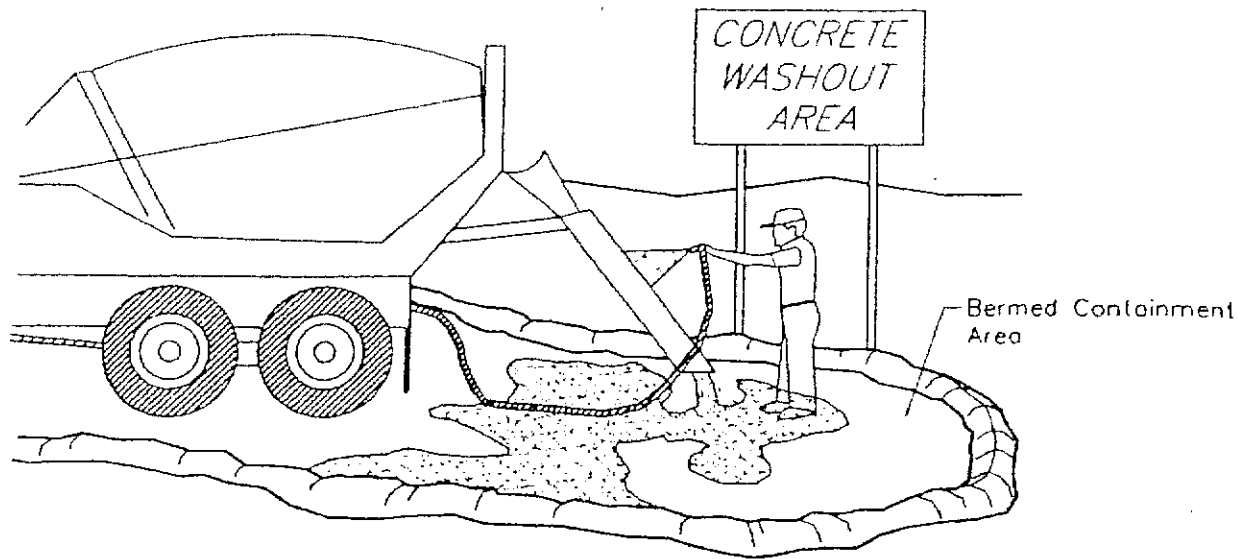


### *Notes:*

- 1. Dirt and other construction related materials placed in the street or on other impervious surfaces must be contained with sandbags or other measures to prevent transport to the stormdrain system.*
- 2. Any construction material stored or stockpiled on-site shall be protected from being transported by the force of wind or water.*

**F**

## Concrete Waste Management

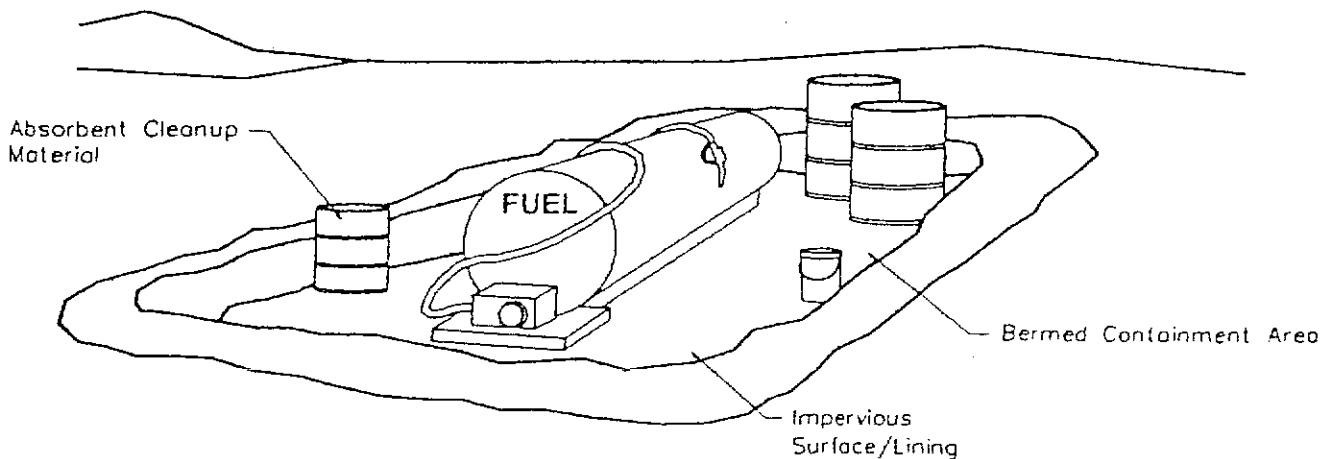


### *Notes:*

1. Excess and waste concrete shall not be washed into the street or into a drainage system.
2. For washout of concrete and mortar products, a designated containment facility of sufficient capacity to retain liquid and solid waste shall be provided on site.
3. Slurry from concrete and asphalt saw cutting shall be vacuumed or contained, dried, picked up and disposed of properly.

**G**

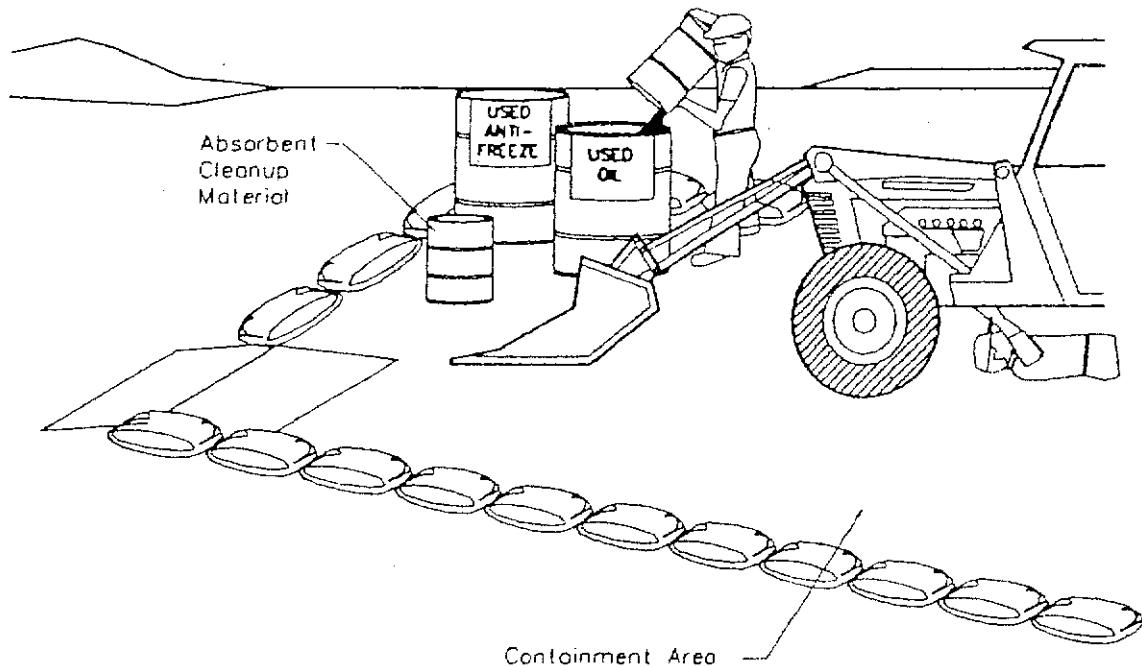
## Vehicle/Equipment Fueling



### *Notes:*

1. Fueling shall be performed in a designated area, away from drainage courses.
2. Absorbent cleanup material shall be on site and used immediately in the event of a spill.

## Equipment Repair/Maintenance



### *Notes:*

1. Leaking vehicles and equipment shall not be allowed on-site. Equipment and vehicles shall be inspected frequently for leaks and shall be repaired immediately. Clean up spills and leaks promptly with absorbent materials; do not flush with water.
2. Vehicles and equipment shall be maintained, and repaired on-site only in designated areas. Prevent run-on and run-off from designated areas. Containment devices shall be provided and areas shall be covered if necessary.
3. Designate on-site vehicle and equipment maintenance areas, away from storm drain inlets and watercourses.
4. Always use secondary containment, such as a drain pan or drop cloth, to catch spills and leaks when removing or changing fluids.
5. Legally dispose of used oils, fluids, and lubricants.
6. Provide spill containment dikes or secondary containment around stored oil, fuel, and chemical drums.
7. Maintain an adequate supply of absorbent spill cleanup materials in designated area.

## Chapter III.

### Engineering Section

Engineering Practices	NRCS Practice Number
Critical Area Planting Hydro Mulch	342B
Lined Water Way and Outlet	468
Reconstruction of Surface Land Slip	Refer to P.E & C.G.E.
Rock Rip Rap	907

**Hydrology Calculations:** Completed by Hawks Consulting Engineering. The calculations were completed for a 10 year storm event.

**Engineering plans** (stamped and signed) are enclosed reflecting the parcels, drain fields, future fill areas, previous fill areas (not a part of this plan) and quantities for each. The NRCS Field Office Technical Guide (FOTG) specifications listed will apply where site specific engineering is not noted. Work is expected to begin in June 2006 and finish with one (1) year.

Geology Assessment and Oversight by J. Nicholas Brouwer C.E.G. is required for the engineered fill and will monitor materials prior to the placement of the imported inert materials. A record of the materials is to be recorded and submitted as a part of the "stamped" documents required for "Certification of Completion". Preliminary slope stability safety factors calculated by the C.E.G. for this project are enclosed in this Chapter.

Signed authorization for the "off site" work on the neighboring property is included in HECO Plan Chapter III and reflected on the signed, stamped engineering drawing.

The imported materials must be "stock piled" and inspected prior to being "placed" in the fill area. This can be accomplished by calculating the quantity for each lift in advance. The fill material shall not be unloaded into the fill area on a truck-by-truck basis unless directly supervised by the design engineer, geologist or persons under their responsible charge.

NATURAL RESOURCES CONSERVATION SERVICE  
CONSERVATION PRACTICE STANDARD

**CRITICAL AREA PLANTING**

(acre)  
CODE 342

**DEFINITION**

Planting vegetation, such as trees, shrubs, vines, grasses, or legumes, on highly erodible or critically eroding areas (does not include tree planting mainly for wood products).

**PURPOSES**

To stabilize the soil, reduce damage from sediment and runoff to downstream areas, and improve wildlife habitat and visual resources.

**CONDITIONS WHERE PRACTICE APPLIES**

On highly erodible or critically eroding areas that cannot be stabilized by ordinary conservation treatment and management and if left untreated can cause severe erosion or sediment damage. Examples of applicable areas are *sand dunes*, dams, dikes, mine spoil, levees, cuts, fills, surface-mined areas, and denuded or gullied areas where vegetation is difficult to establish by usual planting methods.

**CRITERIA**

Selected plants, numbers, seeding mixtures and rates shall be in conformance with the respective Major Land Resource Area (MLRA) Vegetative Guide in Section II of the Field Office Technical Guide.

Based on bag tags, adjust seeding rates at the field site to insure the required amount of pure live seed (PLS)(germination x purity). Do not include any hard seed in the percent germination. When coated seed is used, adjust seeding rate to compensate for the weight of coating.

Use straw mulch on plantings made in summer and when animal or foot traffic is expected to interfere.

**CONSIDERATIONS**

These sites are generally severely eroded or disturbed and have low fertility and few, if any, resident seeds.

High seeding and fertilizer rates are needed to insure adequate vegetative cover.

Stabilized sites are expected to have locally adapted species invade the site and provide long-term stability.

When sites are reshaped, creating smooth hard surfaces on final grading causes compaction and makes it difficult to prepare a good seedbed.

The horizontal indentations left by tracked equipment provides a suitable seedbed on steep slopes.

Most California soils are low in sulfur. Preference should be given to fertilizers with this element. Ammonium Phosphate Sulfate 16-20-0 contains 15 percent sulfur and is the preferred fertilizer when seeding mixtures of grasses and legumes.

Straw is the preferred mulch but needs to be anchored in place. Rollers and crimpers can be pulled on slopes up to 3 to 1. Where there is access, equipment can be winched up and down steeper slopes. Tackifiers can be used to anchor the straw when equipment cannot be used on the site.

Use of wheat straw will result in less volunteer grain compared to barley straw.

When using straw grown in the same county, use clean straw to minimize spread of noxious weeds. Encourage users to have straw inspected by the County Agricultural Commissioner.

Use 75 feet as the effective range for straw blowing equipment.

Use 125 feet as the effective range for hydroseeders. When a 100-foot hose is available, the range can be extended up to 200 feet.

When seeding grasses, apply nitrogen at the rate of 80 pounds per acre (500#/acre of 16-20-0) except if soils are coarse sandy, gravelly or granitic, fertilizer rates can be reduced 50 percent.

When seeding legumes, fertilize with the equivalent to 44 pounds per acre of phosphorus (500#/acre of 16-20-0).

When water quality is expected to be adversely impacted by leached fertilizer, reduce fertilizer rates by 50 percent.

When planting perennial grasses, the fertilizer rate can be reduced by 50 percent.

When fertilizer rates are reduced, the balance of the fertilizer needs to be applied at the beginning of the next growing season.

Use hydro-mulch planting on steep, inaccessible sites not suitable for straw mulch planting and on other sites when rain is expected within 60 days following planting; except, do not use when high winds or animal or foot traffic are expected to interfere.

The split hydro-mulch planting can be used when small seeds will be planted on sites suitable for hydromulch planting. Seed and fertilizer are hydroseeded on first to provide better seed to soil contact and then the rest of the wood fiber is hydromulched over the site.

Bennudagrass sprigs and plugs should only be planted in areas having adequate soil moisture throughout the summer. On sloping banks, the first row is at the waterline and additional rows are numbered going up the bank. For water impoundment's with fluctuating water levels, use the average waterline expected during the active growing season.

When plantings are to be irrigated, maintain adequate moisture in the upper six (6) inches of soil during the first four (4) weeks and then in the upper 12 inches thereafter until the rainy season.

Limit human and livestock use of the area as needed to protect the plant cover.

#### Stabilization of interior and coastal sand dunes

The foredune to be created or stabilized must be a sufficient distance upwind to avoid having the base encroach on the area to be protected as the dune forms or increases in height. Proper distance can be best estimated by observing mature dune dimensions adjacent to the area receiving treatment. Ordinarily 300 to 500 feet of base width will be required.

#### Interior Sand Dunes

Use both woody and herbaceous types of plantings for permanent vegetative stabilization.

##### Initial stabilization of active dunes or sand blow areas:

Use wind controlling fences or artificial windbreaks as necessary to still sand on the area to be treated. Fence should be of uniform height placed across the prevailing wind direction. Three to five fences at approximately 50-foot intervals may be required.

Use a mulch to help stabilize the sand until vegetation is established.

Install and test the irrigation system to be used prior to planting.

Make plantings of the woody materials selected at the upwind edge of the area or dunes.

Extend plantings down wind over the dune as new dune area forms.

Establish a solid windbreak of plants at the down wind edge of dunes as soon as possible. See practice 380 - Windbreak / Shelterbelt Establishment.

Introduce long-lived, low maintenance plant species as needed to assure permanent stabilization of the treated area.

#### Coastal Sand Dunes

##### Initial Stabilization of active dunes:

If sand fences or artificial windbreaks will be required to still sand movement while establishing beachgrass, select locations for one or more fences beyond the high tidewater mark. Fences to create the foredune will be placed perpendicular to the prevailing wind at uniform height and about 30 feet apart. The fences may require lifting to keep from being buried as the foredune takes shape.

During December, January, or February plant culms of European beachgrass, *Ammophila arenaria* or another suitable species to create a foredune or add height to an existing foredune. Where space permits, planting should be extensive enough to provide a dune base width of 400 to 500 feet. The grass culms should be from vigorous young plants harvested to provide at least one underground node

per culm or stem. Tops of the culms should be cut back to 20 inch length for easy handling. The culms will be planted on approximate 18-inch centers, 3 per hill. Planting depth should be about 12 inches with about 8 inches of top protruding above the soil surface. The bundles of plant material must be maintained in live, moist conditions until planted.

Plant from windward to leeward, continuing in annual increments until the total unstable area is under control.

Apply nitrogen fertilizer (preferably 16-20-0) over the planted area at the rate of 20 pounds of nitrogen per acre. Fertilizer applied during gentle rain or irrigated in immediately will prove most effective. Fertilize again at the same rate about three months later. Do not use ammonium sulfate (21-0-0).

#### Supplemental planting on beachgrass stabilized dunes:

1. During the fall months, introduce adapted and enduring species of trees, shrubs, and other plants into the beachgrass cover using methods that will not damage the cover.
2. Provide protection from rabbits, insects, and disease as necessary during establishment of the supplemental planting.

Careful evaluation is needed to avoid disturbing Ecologically Significant Areas. Dunes often support threatened and/or endangered plants and animals.

Selection of vegetative species should consider local opinion on use of introduced species.

In most areas, irrigation water will be necessary for establishing and maintaining vegetative cover.

Where rainfall is adequate or irrigation water available, barley or sudangrass can be used successfully to grow mulch in place where sand blow areas need such treatment to keep sand from being removed. Also asphalt emulsions and certain other chemicals have been used successfully as spray on materials for temporary sand blow control to permit establishment.

Initial stabilization may require use of board or slat fencing to trap sand while vegetative cover is being established.

#### Endangered Species Considerations

Determine if installation of this practice with any others proposed will have any effect on any federal or state listed Rare, Threatened or Endangered species or their habitat. NRCS's objective is to benefit these species and others of concern or at least not have any adverse effect on a listed species. If the Environmental Evaluation indicates the action may adversely affect a listed species or result in adverse modification of habitat of listed species which has been determined to be critical habitat, NRCS will advise the land user of the requirements of the Endangered Species Act and recommend alternative conservation treatments that avoid the adverse effects. Further assistance will be provided only if the landowner selects one of the alternative conservation treatments for installation; or at the request of the landowners, NRCS may initiate consultation with the Fish and Wildlife Service, National Marine Fisheries Service and/or California Department of Fish and Game. If the Environmental Evaluation indicates the action will not affect a listed species or result in adverse modification of critical habitat, consultation generally will not apply and usually would not be initiated. Document any special considerations for endangered species in the Practice Requirements Worksheet.

Some species are year-round residents in some streams, such as, freshwater shrimp. Other species, such as steelhead and salmon, utilize streams during various seasons. Be aware that during critical periods, such as spawning, eggs in gravel's, and rearing of young may preclude activities in the stream that may directly affect the stream habitat during those periods. For example there should be no disturbance of stream gravel beds that may have eggs in them. That could include any equipment in the stream or even walking in the stream or work upstream that may result in sediment depositing in the gravel beds. Document any special considerations for endangered species in the Practice Requirements Worksheet.

#### Water Quantity

Critical area planting may have a minor effect on the quantity of surface and ground water. If there are large areas involved, as in mined land reclamation, there may be a reduction of surface runoff and increased infiltration and percolation.

1. Effects on the water budget, especially on volumes and rates of runoff, infiltration, evaporation, transpiration, deep percolation, and ground water recharge.

2. Effects of vegetation management on soil moisture.
3. Effects of snowcatch and melt on the water budget.
4. Effects of increased organic matter on water holding capacity of the soil.
5. Potential for a change in plant growth and transpiration because of changed in soil water volume.

#### Water Quality

This practice may reduce soil erosion and sediment delivery to surface waters. Plants may take up more of the nutrients in the soil, reducing the amount that can be washed into surface waters or leached into ground water. This practice may reduce wind blown soil delivery to surface waters.

Excessive fertilizer applications can increase the amount of nutrients leached into ground water.

During grading, seedbed preparation, seeding, and mulching, large quantities of sediment and associated chemicals may be washed into surface waters prior to plant establishment.

1. Effects on erosion and the movement of sediment and soluble and sediment-attached substances carried by runoff.
2. Filtering effect of vegetation on movement of sediment and dissolved and sediment-attached substance.
3. Short-term and construction-related effects on downstream water courses.
4. Potential for earth moving to uncover or redistribute toxic materials and effect on water or vegetation.
5. Effects on the use and management of nutrients and pesticides and resulting effects on surface and ground water quality.
6. Effects on the visual quality of downstream water resources.

This practice may reduce wind blown soil delivery to surface waters. Plants may take up more of the nutrients in the soil, reducing the amount that can be

washed into surface waters or leached into ground water.

7. Excessive fertilizer applications can increase the amount of nutrients leached into ground water.

#### PLANS AND SPECIFICATIONS

Plans and specifications are to be prepared for each field or treatment area and include species of grasses, legumes, shrubs, and trees; methods and rates of planting; fertilizer and lime requirements; planting site preparation; time of planting; mulching; and irrigation.

Specify wheat straw rather than barley straw where volunteer growth is not desirable.

When straw mulch cannot be anchored by rollers or crimping equipment, use tackified straw planting. Use caution on decomposed granitic soils since some react adversely to mulch being anchored.

The acceptable time period for obtaining woody cuttings from host plants can be listed on the Practice Requirements sheet.

Specify the best window of time for planting at each site. At higher elevations, this might be August 15 to September 15 to obtain enough growth after the first rain before it gets too cold. September 15 to October 15 is used in some lower elevation areas and October 15 to November 15 in other areas. Wheat and barley can be successfully planted in November and December in some areas. Use local knowledge of the rainfall pattern, temperature, wind conditions, and growth characteristics of the species being planted to determine the window of time for planting.

Identify the water source, method of irrigation, and irrigation water management.

Show the type of fence to use, spacing between fences, and direction of fences and windbreaks on the drawings.

Identify the kind of mulch that will be used, plus the amount and method of anchoring.

Identify the fertilizer to use, application rate, method of applying fertilizer, and timing.

Provide for crowd control, including animals and vehicles.

## OPERATION AND MAINTENANCE

Maintenance needed for this practice includes replanting areas with less than 60 percent vegetative cover, periodic fertilizer applications, control of noxious weeds, replacing dead trees and shrubs, periodic inspections of the treatment area, and control of pest infestations.

Equipment will be operated in a safe manner and underground utilities marked before work begins.

Plans must include provisions for excluding people, livestock, and vehicular traffic during and following establishment of vegetative plantings. Recreational use of the planted area must be controlled as necessary to avoid damaging the vegetation.

Long-term provision for maintenance will be needed following the initial planting. Blowouts that require replanting commonly occur during initial establishment. Also, more enduring plants will need to be added after initial stabilization. Occasional applications of nitrogen fertilizer will be required to maintain dense vigorous grass cover.

NATURAL RESOURCES CONSERVATION SERVICE  
CONSERVATION PRACTICE SPECIFICATION

## 342B - CRITICAL PLANTING AREA - HYDRO MULCH

### I. SCOPE

The work shall consist of furnishing all materials and placing them on all exposed, disturbed, or barren areas within the project area or site to the limits as show on the drawings or as staked in the field.

### II. MATERIALS

#### Seed

All seed shall be delivered to the site tagged and labeled in accordance with the California Agricultural Code, and shall be acceptable to the County Agricultural Commissioner.

Bag tag figures will be evidence of purity and germination. Time since date of seed test shall not exceed 9 months.

Seed shall be of a quality that weed seed shall not exceed 0.5 percent of the aggregate of pure live seed (PLS) (percent germination x percent purity) and other material.

#### Fertilizer

Unless otherwise specified on the Practice Requirements sheet, all fertilizer shall be Ammonium Phosphate Sulfate containing a minimum of 16 percent Nitrogen, 20 percent available phosphoric acid and 0 percent water soluble potash and be uniform in composition, dry and free flowing, pelleted or granular.

All fertilizer shall be labeled in accordance with applicable state regulations and bear the warranty of the producer for the grade furnished.

#### Inoculants

The inoculant for treating legume seeds shall be a pure culture of Nitrogen fixing bacteria prepared specifically for the plant species and shall not be used later than the date indicated on the container. A mixing medium, as recommended by the manufacturer or approved substitute, shall be used to bond the inoculant to the seed. For nonpellet inoculated seed, two times

the amount of the inoculant recommended by the manufacturer shall be used and seed shall be sown with 24 hours.

For pellet inoculated seed, at least 30 pounds of inoculant shall be used per 1,000 pounds of raw seed and the seed shall be labeled to show the Lot Number, Expiration Date, and Percent Coat of the finished product. Pellet inoculated seed shall be kept cool and sown within 180 days.

#### Wood Fiber

Wood fiber shall be a wood cellulose fiber that contains no germination nor growth inhibiting factors. The wood fiber shall be produced from nonrecycled wood such as wood chips or similar wood materials and shall have the property to be evenly dispersed and suspended when agitated in water. It shall be colored with a nontoxic water soluble green dye to provide a proper gauge for metering of material over ground surfaces.

The wood fiber mulch may also be produced from the following materials:

- a. recycled wood fiber, such as wood chips or similar wood materials
- b. a combination of recycled newsprint and cardboard materials that contain at least 50 percent cardboard, or
- c. a combination of recycled newsprint and non-recycled wood fiber or recycled wood fiber materials that does not contain more than 50 percent newsprint

#### Tackifier

Tackifier material shall be one of the following or other material specified on the Practice Requirements sheet and shall have the property to be evenly dispersed and suspended in water when agitated: M-Binder, Sentinel, Ecotak-SAT, Fish-STIK, and Soil Master WR.

### III. SEEDING MIXTURE AND PLANTING DATE

The seed(s) and rate(s) specified on the Practice Requirements sheet shall be used. The seeding rate(s) shall be the weight exclusive of any coating material. Any legume seed used shall be inoculated. Based on bag tags, seeding rates shall be adjusted to insure the required amounts of pure live seed.

Planting shall be performed after final grading is completed unless otherwise specified on the Practice Requirements sheet.

### IV. SEEDBED PREPARATION

The area to be planted shall be weed free and have a firm seedbed which has previously been roughened by scarifying, disking, harrowing, chiseling, or otherwise worked to a depth of 2 to 4 inches. No implement shall be used that will create an excessive amount of downward movement of clods on sloping areas. Seedbed may be prepared at time of completion of earth moving work.

Rocks larger than 6 inches in diameter, trash, weeds, and other debris that will interfere with seeding or maintenance shall be removed.

Seedbed preparation shall be suspended when soil moisture conditions are not suitable for obtaining a satisfactory seedbed.

### V. FERTILIZING, SEEDING, MULCHING

#### Fertilizing

Fertilizer shall be distributed uniformly over the seedbed at the rate of 500 pounds per acre unless a different amount is specified on the Practice Requirements sheet.

Fertilizer shall be applied hydraulically by hydroseeder in the form of a slurry that also contains the required seed. Fertilizer shall not remain in the slurry longer than two (2) hours.

#### Seeding and Mulching

Seed shall be distributed uniformly in a water slurry by hydroseeder.

The hydroseeder shall be equipped with a built-in continuous agitation system of sufficient operating capacity to produce a homogeneous slurry and a

discharge system which will apply the slurry to the slopes at a continuous and uniform rate.

Seed shall not remain in the slurry longer than thirty (30) minutes. The slurry shall also contain wood fiber at the rate of 1500 pounds per acre, tackifier, and the required fertilizer unless otherwise specified on the Practice Requirements sheet. The wood fiber shall not remain in the slurry longer than two (2) hours. Water used shall be potable water or Class 1 or 2 agricultural irrigation water.

Application rates for wood fiber mulch products that have moisture contents greater than 15 percent shall be increased by the following factor, c:

$$c = \frac{85 \text{ percent}}{\text{percent fiber (solids) in product}}$$

The application rate of the tackifier shall be:

Tackifier	Rate	Wood Fiber Mulch
M-Binder	100lbs	1,500 to 2,000lbs
Sentinel	100lbs	1,500 to 2,000lbs
Ecotak-SAT	100lbs	1,500 to 2,000lbs
Fish-STIK	100lbs	1,500 to 2,000lbs
Soil Master WR	100gal	2,000 to 2,500lbs

The slurry shall be continuously mixed and shall be mixed for at least five (5) minutes after the last addition before application starts. The slurry shall be applied uniformly over the site at a rate that is nonerosive and minimizes runoff.

### VI. IRRIGATION

When specified, irrigation water shall be applied at the times and rates as listed on the Practice Requirements sheet.

### VII. SPECIAL MEASURES

Measures and methods that enhance fish and wildlife values, protect visual resources, and maintain key shade, food, and den trees shall be performed when specified on the Practice Requirements sheet.

### VIII. OTHER REQUIREMENTS

Other details for the establishment and maintenance of the plants including, but not limited to, the need for livestock and traffic control shall be applied when specified on the Practice Requirements sheet.

Operations shall be done in such a manner that erosion and air and water pollution are minimized and held with legal limits.

The owner, operator, contractor, or other persons shall conduct all work and operations in accordance with proper safety codes for the type of equipment and operations being performed with due regards to the safety of all persons and property.

## STATEMENT OF WORK

### Critical Area Planting (342)

These deliverables apply to this individual practice. For other planned practice deliverables refer to those specific Statements of Work.

#### DESIGN

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##### Deliverables:

1. Design documents that demonstrate criteria in NRCS practice standard have been met and are compatible with planned and applied practices
  - a. Practice purpose(s) as identified in the conservation plan.
  - b. List of required permits to be obtained by the client
  - c. List all required and/or facilitating practices
  - d. Practice standard criteria-related computations and analyses to develop plans and specifications including but not limited to:
    - i. Planting dates
    - ii. Site and seedbed preparation
    - iii. Soil amendments required
    - iv. Species selection, seeding or planting rates and establishment method
    - v. Type and amount of mulch required
2. Written plans and specifications including sketches and drawings shall be provided to the client that adequately describes the requirements to install the practice and obtain necessary permits.
3. Operation and maintenance plan
4. Certification that the design meets practice standard criteria and comply with applicable laws and regulations
5. Design modifications during application as required

#### INSTALLATION

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##### Deliverables

1. Pre-application conference with client
2. Verification that client has obtained required permits
3. Staking and layout according to plans and specifications including applicable layout notes
4. Application guidance as needed
5. Facilitate and implement required design modifications with client and original designer
6. Advise client/NRCS on compliance issues with all federal, state, tribal, and local laws, regulations and NRCS policies during application
7. Certification that the application process and materials meets design and permit requirements

#### CHECK OUT

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##### Deliverables

1. Records of application
  - a. Extent of practice units applied
  - b. Actual materials used
2. Certification that the application meets NRCS standards and specifications and is in compliance with permits
3. Progress reporting

#### REFERENCES

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- NRCS Field Office Technical Guide (eFOTG), Section IV, Conservation Practice Standard Critical Area Planting - 342
- NRCS National Agronomy Manual
- NRCS National Environmental Compliance Handbook
- NRCS Cultural Resources Handbook

NATURAL RESOURCES CONSERVATION SERVICE  
CONSERVATION PRACTICE STANDARD

LINED WATERWAY OR OUTLET

(feet)  
CODE 468

**DEFINITION**

A waterway or outlet having an erosion-resistant lining of concrete, stone, synthetic turf reinforcement fabrics, or other permanent material. The earth above the permanent lining may be vegetated or otherwise protected.

**Scope**

This standard applies to waterways or outlets having linings of non-reinforced, cast-in-place concrete; flagstone mortared in place; rock riprap; or similar permanent linings. It does not apply to irrigation water conveyance, grassed waterways with stone centers or small lined sections to carry prolonged flows.

**PURPOSE**

This practice may be applied as part of a resource management system to support one or more of the following purposes:

- Provide for safe conveyance of runoff from conservation structures or other water concentrations without causing erosion or flooding
- Stabilize existing and prevent future gully erosion
- Protect and improve water quality

Properly designed linings may also control seepage, piping, and sloughing or slides.

**CONDITIONS WHERE PRACTICE APPLIES**

This practice applies if the following or similar conditions exist:

1. Concentrated runoff, steep grades, wetness, prolonged base flow, seepage, or piping is such that a lining is needed to control erosion.
2. Use by people or animals precludes use of

vegetation waterways or outlets.

3. Limited space is available for design width, which requires higher velocities and lining.
4. Soils are highly erosive or other soil or climatic conditions preclude using vegetation only.
5. Steep grades, wetness, prolonged base flow, seepage, or piping would cause erosion.
6. Installation of non-reinforced concrete or mortared flagstone linings, shall be made only on low shrink-swell soils that are well-drained or where subgrade facilities are installed.

**CRITERIA**

**General Criteria Applicable To All Purposes**

**Capacity.** The maximum capacity of the waterway flowing at designed depth shall not exceed 200 ft<sup>3</sup>/s. The minimum capacity shall be adequate to carry the peak rate of runoff from a 10-year, 24-hour frequency storm. Velocity shall be computed by using Manning's Formula with a coefficient of roughness "n" as follows:

Lining	"n" Value
Concrete	
Trowel finish.....	0.012 – 0.014
Float finish.....	0.013 – 0.017
Shotcrete.....	0.016 – 0.022
Flagstone.....	0.020 – 0.025
1/2 Riprap - (Angular Rock)	$n = 0.047(D_{50} S)^{0.147}$
Synthetic Turf Reinforcement Fabrics and Grid Pavers	Manufacturer's recommendations

1/2 Applies on slopes between 2 and 40% with a rock mantle thickness of  $2 \times D_{50}$  where:

$D_{50}$  = median rock diameter (in.),

$S$  = lined section slope (ft./ft.) ( $.02 \leq S \leq .4$ )

Conservation practice standards are reviewed periodically, and updated if needed. To obtain the current version of this standard contact your Natural Resources Conservation Service State Office, or download it from the electronic Field Office Technical Guide for your state.

NRCS, CA  
June 2006

**Velocity.** Maximum design velocity and rock gradation limits for rock riprap-lined channel sections shall be determined using Appendix 16A, Engineering Field Handbook for slopes less than 2 percent.

Stable rock sizes and flow depths for rock-lined channels having gradients between 2 percent and 40 percent shall be determined using the following detailed design process. This design process is from **Design of Rock Chutes** by Robinson, Rice, and Kadavy.

For channel slopes between 2% and 10%:

$$D_{50} = [q(S)^{1/3}/4.75(10)^{-3}]^{1/1.89}$$

For channel slopes between 10% and 40%:

$$D_{50} = [q(S)^{0.58}/3.93(10)^{-2}]^{1/1.89}$$

$$z = [n(q)/1.486(S)^{0.50}]^{3/5}$$

$D_{50}$  = Particle size for which 50% of the sample is finer, in.

$S$  = Bed slope, ft./ft.

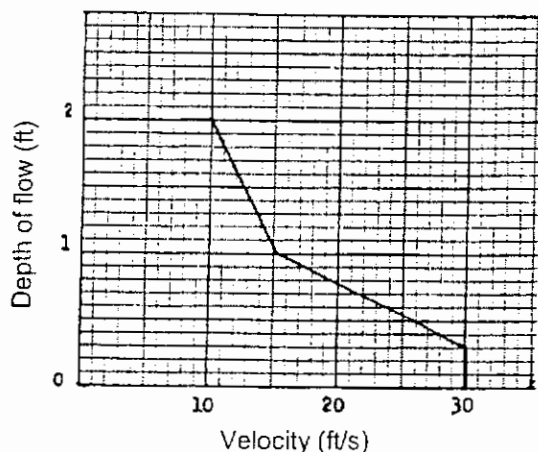
$z$  = Flow depth, ft.

$q$  = Unit discharge, ft<sup>3</sup>/s/ft

(Total discharge÷Bottom width)

Maximum design velocity for concrete-lined sections should not exceed those using Figure 2.

**Figure 2. Maximum velocity versus depth of flow for concrete-lined channels**



Maximum design velocity for synthetic turf reinforcement fabrics and grid pavers shall not exceed manufacturer's recommendations.

Except for short transition sections, flow in the range of 0.7 to 1.3 of the critical slope must be avoided unless the channel is straight. Velocities exceeding critical velocity shall be restricted to straight reaches.

Waterways or outlets with velocities exceeding critical velocity shall discharge into an energy dissipator to reduce discharge velocity to less than critical.

**Side slope.** The steepest permissible side slopes, horizontal to vertical, shall be:

Nonreinforced concrete:

Hand-placed, formed concrete

Height of lining, 1.5 ft or less ..... Vertical

Hand-placed screeded concrete or mortared in place flagstone

Height of lining, less than 2 ft ..... 1 to 1

Height of lining, more than 2 ft ..... 2 to 1

Slip form concrete:

Height of lining, less than 3 ft ..... 1 to 1

Rock riprap ..... 2 to 1

Synthetic Turf Reinforcement Fabrics ..... 2 to 1

Grid Pavers ..... 1 to 1

**Cross section.** The cross section shall be triangular, parabolic, or trapezoidal. Cross section made of monolithic concrete may be rectangular.

**Freeboard.** The minimum freeboard for lined waterways or outlets shall be 0.25 ft above design high water in areas where erosion-resistant vegetation cannot be grown adjacent to the paved or reinforced side slopes. No freeboard is required if vegetation can be grown and maintained.

**Lining thickness.** Minimum lining thickness shall be:

Concrete ..... 4 in. (In most problem areas, minimum thickness shall be 5 in. with welded wire fabric reinforcing.)

Rock riprap ..... Maximum stone size plus thickness of filter or bedding

Flagstone ..... 4 in., including mortar bed

Synthetic Turf

Reinforcement Fabrics

and Grid Pavers ..... Manufacturer's Recommendations

**Lining Durability.** Use of non-reinforced concrete or mortared flagstone linings shall be made only on low shrink-swell soils that are well drained or where subgrade drainage facilities are installed.

**Related structures.** Side inlets, drop structures, and energy dissipaters shall meet the hydraulic and structural requirements for the site.

**Outlets.** All lined waterways and outlets shall have a stable outlet with adequate capacity to prevent erosion and flooding damages.

**Geotextiles.** Geotextiles shall be used where appropriate as a separator between rock, flagstone, or concrete linings and soil to prevent migration of soil particles from the subgrade, through the lining material. Geotextiles shall be designed according to AASHTO M288, Section 7.3.

**Filters or bedding.** Filters or bedding shall be used where appropriate to prevent piping. Drains shall be used to reduce uplift pressure and to collect water, as required. Filters, bedding, and drains shall be designed according to NRCS standards. Weep holes may be used with drains if needed.

**Concrete.** Concrete used for lining shall be proportioned so that it is plastic enough for thorough consolidation and stiff enough to stay in place on side slopes. A dense durable product shall be required.

Specify a mix that can be certified as suitable to produce a minimum strength of 3,000 pounds per square inch. Cement used shall be Portland cement, Types I, II, or if required, Types IV or V. Aggregate shall have a maximum size of 1-1/2 inch.

**Contraction joints.** Contraction joints in concrete linings, if required, shall be formed transversely to a depth of about one-third the thickness of the lining at a uniform spacing in the range of 10 to 15 feet. Provide welded wire fabric or other uniform support to the joint to prevent unequal settlement.

#### **Rock riprap of flagstone**

Stone used for riprap shall be dense and hard enough to withstand exposure to air, water, freezing, and thawing. Flagstone shall be flat for ease of placement and have the strength to resist exposure and breaking.

#### **Mortar**

Mortar used for mortared in-place flagstone shall consist of a workable mix of cement, sand, and water with a water-cement ratio of not more than 6 gallons of water per bag of cement.

## **CONSIDERATIONS**

Cultural resources need to be considered when planning this practice. Where appropriate, local cultural values need to be incorporated into practice design in a technically sound manner.

Consider adding widths of appropriate vegetation to the sides of the waterway for wildlife habitat.

Important wildlife habitat, such as woody cover or wetlands, should be avoided or protected if possible when siting the lined waterway. If trees and shrubs are incorporated, they should be retained or planted in the periphery of the grassed portion of the lined waterways so they do not interfere with hydraulic functions and roots do not damage the lined portion of the waterway. Mid- or tall bunch grasses and perennial forbs may also be planted along waterway margins to improve wildlife habitat. Waterways with these wildlife features are more beneficial when connecting other habitat types; e.g., riparian areas, wooded tracts and wetlands.

Provide livestock and vehicular crossings as necessary to prevent damage to the waterway. Crossing design shall not interfere with design flow capacity.

Establish filter strips on each side of the waterway to improve water quality.

When designing riprap linings and specifying rock gradations, consider that rock delivered to the site is often segregated by size or does not conform exactly to the specified gradation. Adequate safety factor should be incorporated.

### **Cultural Resources Considerations**

NRCS's objective is to avoid any effect to cultural resources and protect them in their original location. Determine if installation of this practice will have any effect on any cultural resources.

Document any specific considerations for cultural resources in the design docket and the Practice Requirements worksheet.

GM 420, Part 401, the California Environmental Handbook and the California Environmental Assessment Worksheet provide guidance on how the NRCS must account for cultural resources. The Field Office Technical Guide, Section II contains general information, with Web sites for additional information.

### Endangered Species Considerations

Determine if installation of this practice with any others proposed will have any effect on any federal or state listed Rare, Threatened or Endangered species of their habitat. NRCS's objective is to benefit these species and others of concern or at least not have any adverse effect on a listed species. If the Environmental Evaluation indicates the action may adversely affect a listed species which has been determined to be critical habitat, NRCS will advise the land user of the requirements of the Endangered Species Act and recommend alternative conservation treatments that avoid the adverse effects. Further assistance will be provided only if the landowner selects one of the alternative conservation treatments for installation; or at the request of the landowners, NRCS may initiate consultation with the Fish and Wildlife Service, National Marine Fisheries Service and/or California Department of Fish and Game. If the Environmental Evaluation indicates the action will not affect a listed species or result in adverse modification of critical habitat, consultation generally will not apply and usually would not be initiated. Document any special considerations for endangered species in the Practice Requirements Worksheet.

### Water Quantity

1. Effects upon components of the water budget, especially effects on volumes and rates of runoff, infiltration, evaporation transpiration, deep percolation, and ground water recharge.
2. Variability of the practice's effect caused by seasonal and climatic changes.

### Water Quality

1. Filtering effects of vegetation on the movement of sediment and dissolved and sediment attached substances will be evaluated.
2. Effects on the visual quality of the water resources.
3. Short-term and construction effects on the quality of water resources.

### PLANS AND SPECIFICATIONS

Plans and specifications for lined waterways or outlets shall be in keeping with this standard and shall describe the requirements for applying the practice to achieve its intended purpose(s).

### OPERATION AND MAINTENANCE

An operation and maintenance plan shall be provided to and reviewed with the landowner. The plan shall include the following items and others as appropriate.

A maintenance program shall be established to maintain waterway capacity and outlet stability. Lining damaged by machinery or erosion must be repaired promptly.

Inspect lined waterways regularly, especially following heavy rains. Damaged areas shall be repaired immediately. Remove sediment deposits to maintain capacity of lined waterways.

Landowners should be advised to avoid areas where forbs have been established when applying herbicides. Avoid using waterways as turn-rows during tillage and cultivation operations. Prescribed burning and mowing may be appropriate to enhance wildlife values, but must be conducted to avoid peak nesting seasons and reduced winter cover. Control noxious weeds. Do not use as a field road. Avoid crossing with heavy equipment.

### REFERENCES

National Engineering Handbook, Part 650, Engineering Field Handbook: Chapter 16, Streambank and Shoreline Protection.

Robinson, K.M., C.E. Rice, and K.C. Kadavy. 1998. Design of Rock Chutes. Transactions of ASAE, Vol. 41(3): 621-626.

NATURAL RESOURCES CONSERVATION SERVICE  
CONSERVATION PRACTICE SPECIFICATION

## 468 - LINED WATERWAY OR OUTLET

### I. SCOPE

The work shall consist of grading and shaping a waterway to the lines and grades as shown on the drawings, and includes furnishing and placing a lining of the type and thickness as specified.

### II. MATERIALS

Concrete, when specified, will be placed in conformance with the requirements of Construction Specification #701 - Concrete.

Rock riprap, when specified, rock will be placed in conformance with the requirements of Construction Specification #707 - Rock riprap.

Other materials, when specified other materials will be placed in conformance with the requirements of Special Construction Specifications to be attached to the drawings.

Geotextile fabric, when specified will conform to the required of Construction Specification #705 - Geotextile Fabric.

### III. SITE PREPARATION

The foundation area shall be cleared of all trees, stumps, roots, brush, boulders, sod, debris, and other objectionable materials. All topsoil shall be removed and stockpiled until the needed for spreading over areas requiring vegetative cover. Removal operations shall be done in such a manner as to avoid damage to other trees and property.

### IV. FOUNDATION

To shape the required cross-section, excavation shall be to the lines and grades as shown on the drawings, or as staked in the field. Subgrade shall be firm and free of water. Any earthfill required to bring subgrade to grade, shall be placed in layers not exceeding 8-inches, and compacted to the same density as the adjacent undisturbed material.

### V. PLACEMENT

Placement of the lining materials shall be conformance of the Construction Specification as shown on the Practice Requirement sheet, and as shown on the drawings.

### VI. VEGETATIVE COVER

Unless otherwise specified, a protective cover of vegetation shall be established on the disturbed area. The planting of vegetative materials shall conform to the requirements of Practice Specification 342, Critical Area Planting.

### VII. SPECIAL MEASURES

Measures and construction methods shall be incorporated as needed and practical that enhance fish and wildlife values. Special attention shall be given to protecting visual resources and maintaining key shade, food and den trees.

### VIII. CONSTRUCTION OPERATIONS

Construction operations shall be done in such a manner that erosion and air and water pollution are minimized and held within legal limits. The owner, operator, Contractor or other persons will conduct all work and operations in accordance with proper safety codes for the type of construction being performed with due regards to the safety of all persons and property.

The completed job shall be workmanlike and present a good appearance.

### OPERATION AND MAINTENANCE ITEMS

A properly operated and maintained lined waterway or an outlet for excess water is an asset to your farm. This lined waterway was designed and installed to safely remove or discharge excess water from your farm. The estimated life span of this installation is at least 10 years. The life of this practice can be assured and usually increased by developing and carrying out a good operation and maintenance program.

This practice will require you to perform periodic maintenance and may also require operational items to maintain satisfactory performance. Here are some recommendations to help you develop a good operation and maintenance program.

Maintain vigorous growth of vegetative coverings. This includes reseeding, fertilization and application of herbicides when necessary. Periodic mowing may also be needed to control height.

Check concrete surfaces for accelerated weathering, spalling, settlement, alignment or cracks. Repair immediately as they may expose reinforcement and reduce the structure life.

Check metal surface for rust and other damage especially sections in contact with earthfill and with other materials. Repair or replace damaged section and apply paint as protective covering.

Check all rock riprap section for accelerated weathering and displacement, as the rock was placed to prevent structural damage during the design flow. Replace to original grades if necessary.

Remove all foreign debris that hinders system operations.

Limit livestock usage to section that will not be hindered by their activity.

Maintain all fences to prevent livestock and unauthorized entry.

Other items specific to your project are listed on the "Practice Requirement" sheet.

## CONSIDERATIONS

### Water Quantity

1. Effects upon components of the water budget, especially effects on volumes and rates of runoff, infiltration, evaporation transpiration, deep percolation, and ground water recharge.
2. Variability of the practice's effect caused by seasonal and climatic changes.

### Water Quality

1. Filtering effects of vegetation on the movement of sediment and dissolved and sediment attached substances will be evaluated.
2. Effects on the visual quality of the water resources.
3. Short-term and construction effects on the quality of water resources.

### Endangered Species Considerations

Determine if installation of this practice with any others proposed will have any effect on any federal or state listed Rare, Threatened or Endangered species or their habitat. NRCS's objective is to benefit these species and others of concern or at least not have any adverse effect on a listed species. If the Environmental Evaluation indicates the action may adversely affect a listed species or result in adverse modification of habitat of listed species which has been determined to be critical habitat, NRCS will advise the land user of the requirements of the Endangered Species Act and recommend alternative conservation treatments that avoid the adverse effects. Further assistance will be provided only if the landowner selects one of the

alternative conservation treatments for installation; or at the request of the landowners, NRCS may initiate consultation with the Fish and Wildlife Service, National Marine Fisheries Service and/or California Department of Fish and Game. If the Environmental Evaluation indicates the action will not affect a listed species or result in adverse modification of critical habitat, consultation generally will not apply and usually would not be initiated. Document any special considerations for endangered species in the Practice Requirements Worksheet.

Some species are year-round residents in some streams, such as, freshwater shrimp. Other species, such as steelhead and salmon, utilize streams during various seasons. Be aware that critical periods, such as spawning, eggs in gravels, and rearing of young may preclude activities in the stream that may directly affect the stream habitat during those periods. For example there should be no disturbance of stream gravel beds that may have eggs in them. That could include any equipment in the stream or even walking in the stream or work upstream that may result in sediment depositing in the gravel beds. Document any special considerations for endangered species in the Practice Requirements Worksheet.

## PLANS AND SPECIFICATIONS

Plans and specifications for constructing lined waterways or outlets shall be in keeping with this standard and shall describe the requirements for applying the practice to achieve its intended purposes.

Figure 1 to be provided by SCE.

## OPERATION AND MAINTENANCE

Provisions must be made for timely maintenance to insure lined waterways function properly.

**STATEMENT OF WORK**  
**Lined Waterway or Outlet (468)**

These deliverables apply to this individual practice. For other planned practice deliverables refer to those specific Statements of Work.

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**DESIGN****Deliverables:**

1. Design documents that demonstrate criteria in practice standard have been met and are compatible with planned and applied practices
  - a. Practice purpose(s) as identified in the conservation plan.
  - b. List of required permits to be obtained by the client
  - c. Compliance with NRCS national and state utility safety policy (NEM part 503-Safety, Section 503.00 through 503.22)
  - d. Practice standard criteria related computations and analyses to develop plans and specifications including but not limited to:
    - i. Hydrology/hydraulics
    - ii. Type of Liner
    - iii. Outlet capacity and stability
2. Written plans and specifications including sketches and drawings shall be provided to the client that adequately describes the requirements to install the practice and obtain necessary permits.
3. Operation and maintenance plan
4. Certification that the design meets practice standard criteria and comply with applicable laws and regulations (NEM Subpart A, 505.03(b)(2))
5. Design modifications during installation as required

---

**INSTALLATION****Deliverables**

1. Pre-installation conference with client and contractor
2. Verification that client has obtained required permits
3. Staking and layout according to plans and specifications including applicable layout notes
4. Installation inspection
  - a. Actual materials used
  - b. Inspection records
5. Facilitate and implement required design modifications with client and original designer
6. Advise client/NRCS on compliance issues with all federal, state, tribal, and local laws, regulations and NRCS policies during installation
7. Certification that the installation process and materials meets design and permit requirements

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**CHECK OUT****Deliverables**

1. As-built documentation
  - a. Extent of practice units applied
  - b. Drawings
  - c. Final quantities
2. Certification that the installation meets NRCS standards and specifications and is in compliance with permits (NEM Subpart A, 505.03(c)(1))
3. Progress reporting

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**REFERENCES**

- Field Office Technical Guide (eFOTG), Section IV, Conservation Practice Standard - Lined Waterway or Outlet, 468
- National Engineering Manual, Utility Safety Policy
- NRCS National Environmental Compliance Handbook
- NRCS Cultural Resources Handbook

UNITED STATES DEPARTMENT OF AGRICULTURE  
NATURAL RESOURCES CONSERVATION SERVICE

**468 – LINED WATERWAY OR OUTLET**  
**OPERATION AND MAINTENANCE**

Sponsor/Land user: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Location GPS Coordinates Map Datum: \_\_\_\_\_ E \_\_\_\_\_ N \_\_\_\_\_

Quad Sheet Name \_\_\_\_\_ SEC \_\_\_\_\_ T \_\_\_\_\_ R \_\_\_\_\_

A properly operated and maintained lined waterway or outlet is an asset to the farm. This lining facility was designed and installed to provide erosion protection for the waterway or outlet. The estimated life span of this installation is at least 10 years. The life of this installation can be assured and usually increased by developing and carrying out a good operation and maintenance program.

This practice will require you to perform periodic operation to maintain satisfactory performance. Here are some recommendations to help you develop a good operation and maintenance program:

**GENERAL RECOMMENDATIONS**

- Maintain adequate drainage of foundations.
- Maintain widths of soil berms or banks. Avoid use of tillage equipment that accelerates soil removal.
- Drain all lined waterways or outlets when not being used. Immediately repair any cracks or breaks in the lining, and if settlement is present, investigate cause before repair.
- If livestock are present, prevent their access to linings and provide other drinking water facilities.
- Remove any blockage (sediments, debris, foreign material etc.) that restrict flow capacity.
- Immediately repair any vandalism, vehicular or livestock damage.
- Inspect for damage from rodents or burrowing animals. Repair any damage. Take appropriate corrective actions to alleviate further damage.
- Remove woody vegetation and perennials from areas adjacent to lining,
- Repair spalls, cracks and weathered areas in concrete surfaces.
- Repair or replace rusted or damaged metal and paint and apply paint as a protective coating.
- Avoid crossings of equipment or vehicles except at designated areas.

NATURAL RESOURCES CONSERVATION SERVICE  
CONSERVATION CONSTRUCTION SPECIFICATION

## 907 - ROCK RIPRAP

### I. SCOPE

The work shall consist of furnishing and installing loose rock riprap at the locations and to the lines, grades, elevations, and cross-sections as shown on the drawings.

### II. MATERIALS

#### Rock

Rock shall be sound, dense, and durable with a bulk specific gravity of not less than 2.5. Rock shall be angular to subrounded in shape with the greatest dimension not greater than 2 times the least dimension. The rock shall conform to the grading limits given below unless otherwise specified.

<u>Size, Inches</u>	<u>Percent Passing</u>
24	100
12	50
6	20
3	10

#### Filter or Bedding

When filter or bedding material is shown on the drawings, the material shall be composed of clean, hard and durable mineral particles free from organic matter, clay balls or other deleterious substances.

Bedding may be pit run material of sand, gravel, crushed stone or a mixture thereof.

Filter material shall conform to the gradation given in the Special Requirements listed on the "Practice Requirements" sheet.

### III. SUBGRADE PREPARATION

The subgrade surfaces on which the riprap, bedding, filter, or geotextile is to be placed shall be cleared and graded prior to placement of bedding, geotextile, or rock.

When fill to subgrade lines is required, it shall consist of approved materials and shall conform to the requirements of appropriate sections of Conservation Construction Specification 903, Earthfill.

### IV. PLACEMENT

#### Equipment Placed Rock Riprap

The riprap shall be constructed to the full course thickness in one operation and in such a manner as to avoid displacement of the underlying materials. The rock shall be delivered and placed in a manner that will insure that the riprap in place shall be reasonably homogeneous with the larger rocks uniformly distributed and firmly in contact one to another with the smaller rocks and spalls filling the voids between the larger rocks.

Riprap shall be placed in a manner to prevent damage to structures. Hand placing will be required to the extent necessary to prevent damage to the permanent works and to achieve the finished surface placement.

#### Hand Placed Riprap

Rocks shall be securely bedded firmly in contact one to another. Spaces between the larger rocks shall be filled with smaller rocks and spalls. Smaller rocks shall not be grouped as a for substitute larger rock. Flat slab rock shall be laid on edge.

#### Filter Layers or Bedding

When specified, the filter, bedding, or geotextile beneath the rock shall be placed on the prepared subgrade as specified in the Special Requirements listed on the "Practice Requirements" sheet. Compaction of filter layers or bedding will not be required, but the surface of such material shall be finished reasonably free of mounds, dips, or windrows.

## **V. VEGETATIVE COVER**

Unless otherwise specified in the "Practice Requirements" sheet, a protective cover of vegetation shall be established on the area disturbed area. The planting of vegetative materials shall conform to the requirements of Practice Specification 342, Critical Area Planting.

## **VI. SPECIAL MEASURES**

Measures and construction methods shall be incorporated as needed and practical that enhances fish and wildlife values. Special attention shall be given to protecting visual resources and maintaining key shade, food and den trees.

## **VII. CONSTRUCTION OPERATIONS**

Construction operations shall be done in such a manner that erosion and air and water pollution are minimized and held within legal limits. The owner, operator, Contractor or other persons will conduct all work and operations in accordance with proper safety codes for the type of construction being performed with due regards to the safety of all persons and property.

The completed job shall be workmanlike and present a good appearance.

**OPERATION PLAN**  
Of the  
**HILSIDE EROSION CONTROL PLAN**  
For  
**WAYNE FISHBACK**  
Santa Susana Mountains

The subject property consists of a private ranch owned and operated by Mr. Wayne Fishback. Mr. Fishback is in direct responsible charge of the operations. The engineering services required for the project are being supplied by Hawks and Associates Consulting Engineers of Ventura, California. Geologic consultation is provided by Coastal Geology and Soils Inc.

The subject project has been operating under the HECO 10% exemption clause. Because this clause does not provide for documentation we have met with the administering agency, the Ventura County Resource Conservation District, and have proposed that we produce a formal HECO plan. This plan is in process at this time.

The property is being developed as a productive ranching operation for the breeding of registered Arabian horses and registered cattle. The cattle operation is still being studied as to safety and therefore only grade cattle are presently on the property. With the loss of a valuable Arabian mare in one of the canyons it became obvious that land improvements were necessary. The record rains of 2004 and 2005 also caused numerous landslides and major erosion that needed to be addressed. In addition the recent fires in the area increased the danger of additional land slides and debris production. The reclamation work on the ranch has reduced the potential for debris runoff and slide development. In addition large portions of the ranch natural habitat did not burn in large part due to the fire breaks established by the earthwork operations.

Mr. Fishback has worked to repair the erosion and landslides and create safe pastures for his livestock. This work is a coordinated effort to minimize future landslides, prevent erosion, minimize sediment runoff and retain water resources on the property to the maximum extent possible. This work requires the production of economical stable and non erosive fill and non erosive slope surfaces, the construction of storm water detention basins and non erosive discharge channels. The grass pasture land created will provide natural sediment filters. All of these improvements require construction work and cannot be accomplished as a waste disposal activity.

As the land is the top of a very steep watershed past landslides and erosion has eliminated much of the native soil. In order to accomplish the desired effect under the HECO additional material is needed and we are accepting clean fill dirt, broken concrete and other inert materials that can be used to stabilize the land and create the needed pastures. These fills are commonly known as buttress fills and are described in the attached NRCS publication.

Imported fill is either natural material or salvaged inert materials that the hauler contracts for. The truck driver screens the material both at pick up and unloading. Material is accepted as it becomes available and is placed in a staging area and again screened before it is placed in the

fills. Asphalt is separated and utilized for road construction. Concrete is either separated and used for slope protection or incorporated into the fill as stabilizing material. A fourth screening occurs when the material is spread and inspected before final placement and compaction. No trash is permitted on the property and no dumping activities are taking place. Workers are available on site at all times to monitor deliveries and accept suitable materials.

Several types of fill materials were analyzed for cost effectiveness, life cycle performance and environmental considerations. Three showed promise, traditional engineered fill, a mixture of rock boulders and dirt and a mixture of inert materials and dirt. Traditional engineered fill as specified under the California Uniform Building Code was over 50% more costly than option three. This was due to the more stringent compaction requirements. The extra compaction also used more energy which is an environmental negative. Option two and three had the same placement costs but the boulder material was a minimum of \$50.00 per ton delivered whereas the inert material is free. Option three proved to be as durable as the other options, more cost effective and used less energy.


Only deep canyons and erosive areas of the ranch are included in the fill operations and material will be accepted until the desired pastures and erosion control is realized. The natural features of the land are being protected and enhanced by the operations.

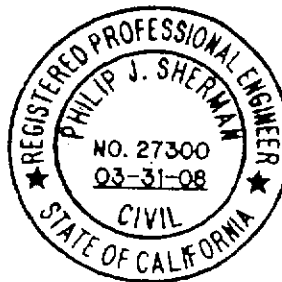
There are presently no structures on the property and no structures are planned in the fill areas. As this is an agricultural operation the material is being placed to accepted BMP standards for agricultural purposes and not to structural standards. All fill areas are keyed into the canyon mouth and all vegetation is stripped from the land to receive the fill. Once the toe of the fill is stabilized the remainder of the material is placed to agricultural standards and wheel role compacted.

Numerous inspections have been conducted on the operations since June of 2005. These inspections have been conducted by Hawks and Associates Consulting Civil Engineers, Coastal Geology and Soils Inc. and numerous Governmental organizations.

Photographs of the ongoing operations are attached and made a part of this plan. The HECO plan will also be included on completion.

Respectfully submitted,

  
Philip J. Sherman P. E.  
Senior Engineer  
Hawks and Associates



Attach: 1



## CONSULTING CIVIL ENGINEERS

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FAX (805) 658-6791  
email: hawksassoc@prodigy.net

ENGINEERING

PLANNING

SURVEYING

JOB \_\_\_\_\_

SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_

CALCULATED BY \_\_\_\_\_ DATE \_\_\_\_\_

CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_

SCALE \_\_\_\_\_

1. 12 ft

TC = 5' 11" 1/2 10' 11" 1/2

5.  $I = 3.72$   $C = .92$  PLUMBING SECTION

12.  $I = 2.52$   $C = .88$   $\frac{(10' 11" 1/2 \times 10' 11" 1/2)}{43.56} = A.C.$

3.  $Q = C \cdot A = 3.42 A$

10.  $Q = C \cdot A = 2.22 A$

P	AREA	TC	S	1/4
A 8.46	= 1.77 AC	6.60 ft	4.3 ft	
B 4.17	= 0.96 AC	3.30 ft	2.10 ft	
C 26.75	= 6.16 AC	21.10 ft	13.70 ft	
D 27.68	= 6.35 AC	21.70 ft	14.10 ft	
E 1.03	= 1.61 AC	5.50 ft	3.60 ft	
F 21.52	= 4.94 AC	16.90 ft	11.00 ft	

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ENGINEERING

PLANNING

SURVEYING

SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_

CALCULATED BY \_\_\_\_\_ DATE \_\_\_\_\_

CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_

EXISTING

SCALE \_\_\_\_\_

AREA C-2

2100 0.20

0.420

2110 0.64

0.960

2120 1.28

1.46

2130 1.64

1.33

2140 1.02

4.17

15,444 yds

AREA-D - SOIL ONLY. NOT A PART  
OF STOP WORK ORDER

1970 0.08

0.165

1980 0.25

0.520

1990 0.79

0.395

2000 0

1.080

4,000 yds

AREA E

1980 0.24

0.405

1990 0.57

0.405

1,500 yds

AREA F - 1/2 OF THIS FILL IS  
FROM ON SITE EX.

1940 0.05

0.085

1950 0.12

0.170

1960 0.22

0.33

1970 0.44

0.570

1980 0.70

0.895

1990 1.09

1.380

2000 1.67

1.145

2010 0.62

0.775

2020 0.93

1.110

2030 1.29

1.445

2040 1.60

1.725

2050 1.85

1.225

2060 0.60

0.575

2070 0.55

0.525

2080 0.50

0.450

2090 0.40

0.22

3000 0.0

12.605

46,685 yds

TOTAL 67,630 yds

107



## VEG

For shallow landslides, successful establishment of vegetation may be an effective way to improve slope stability. The root networks of particular tree and brush species increase resisting forces by improving tensile strength. Large diameter trees at the toe of a failure may provide buttress support, and evapotranspiration decreases soil moisture.

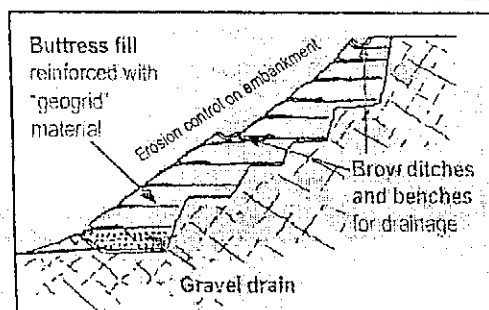
## SLOPE MODIFICATION

Laying back a slope to a gentler gradient is an alternative that reduces driving forces by removing/unloading the upper portion of the slide. Slopes are often terraced to provide for surface and subsurface drainage and to accommodate narrow right-of-ways. Feasibility and design must consider where the removed material is to be stockpiled or utilized.

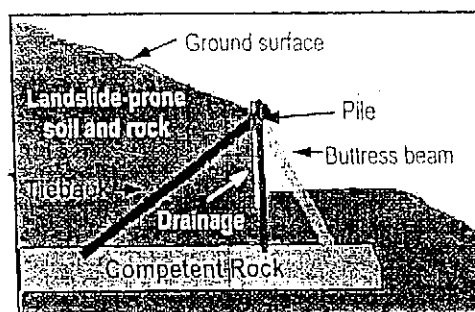
## BUTTRESS FILL & SOIL REINFORCEMENT

Buttress fills increase resisting forces by providing lateral support and/or increasing soil strength.

Toe buttresses consist of rock or compacted/reinforced soil placed at the toe of the failure to provide lateral support. An alternative is to remove the entire slide mass and replace it with a buttress fill consisting of compacted soil that may be reinforced with geomembranes or geosynthetics. Ensuring proper drainage is a critical component of design, and larger buttress fills in particular require evaluation and design by a qualified engineer.



## STRUCTURAL RETENTION



Structural retention systems increase resisting forces by providing lateral support. Measures include retaining walls, pilings, tieback anchors, and anchored gabions. These measures may be used in combination with soil reinforcement measures that increase internal strength.

Ensuring proper drainage is a critical component of design. These usually require detailed geotechnical investigations and tend to be expensive to construct.



Davis, California

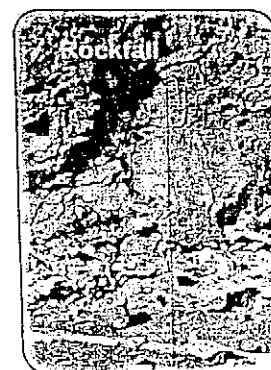
# LANDSLIDES

Updated January 19, 2005

NRCS considers slope stability and landslide potential as a part of everyday conservation planning. For existing landslides, NRCS may also be available to provide assistance, particularly where the failures are small and do not pose a significant risk to life and property. Larger, high hazard landslides are, however, complex geotechnical problems that may require the services of a professional engineering geologist or geotechnical engineer.

## CLASSIFICATION OF LANDSLIDES

"Landslide" is a general term that describes the movement of rock, debris, or soil down a slope under the influence of gravity. Landslides are classified by the type of material (rock, debris, earth) and how it moves (falls and topples, slides, and flows). Correct classification is important because triggering mechanisms and management measures may be different.



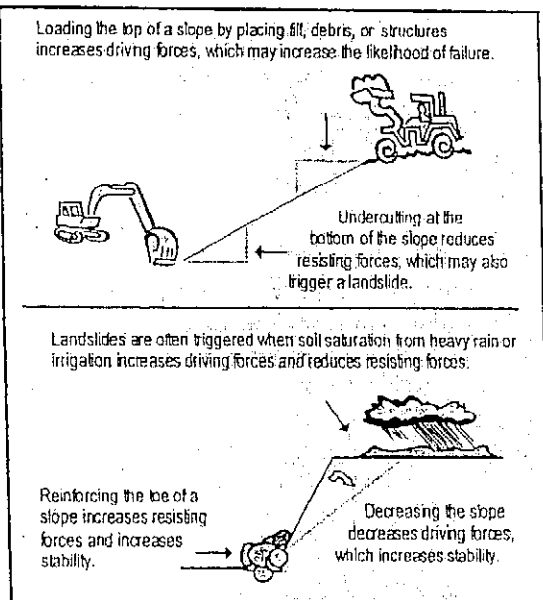
Potential hazards associated with continued or renewed slope failure, and what to do about them, depend on what's at stake; an unstable slope poised to deliver large volumes of mud and rock to a residential area, would represent a high hazard situation that calls for a detailed investigation and quick action to reduce the hazard. Landslides in open areas that do not pose a hazard to life or property may only require a qualitative evaluation, monitoring, and proper land use management.

## GEOTECHNICAL SITE INVESTIGATIONS

Engineering geologists and geotechnical engineers work together to determine what factors contribute to instability and what triggered the landslide. They look at rainfall records and aerial photos; study geology and soil maps; and review other reports that describe historical land use, cover, and slope conditions. Reports may also be available that evaluate slope stability at or in the area around the site. In the field, they characterize the rock or soil material in terms of its composition, texture, and strength; they identify discontinuities such as bedding planes, faults, and fracture zones; they evaluate surface drainage and subsurface groundwater; and they work to define the shape and size of the failure including the location of the failure plane. In order to adequately characterize the site, the study area should always extend beyond the bounds of the existing slide. Some failures may actually be a part of a larger, compound slide. A subsurface investigation is often conducted as a part of a detailed geotechnical investigation, but may not be required in low or moderate hazard situations.

## LANDSLIDE FORCES

Slopes are considered stable when the resisting forces (defined by the strength of the material) exceeds those forces that drive a slope towards failure. Failure occurs when a triggering mechanism, such as intense rainfall, shifts the balance by rapidly increasing the driving forces and/or decreasing the resisting forces. Other potential triggering mechanisms include earthquakes, rapid water level changes, stream-bank erosion, irrigation, and excavation for roadcuts or building pads. Natural events or land use activities may not be identified as a triggering mechanism, but may contribute to failure by lowering the slope's threshold for failure, making it more likely that failure will occur in response to some triggering event.



## REDUCING LANDSLIDE HAZARDS

Landslide hazard reduction may be accomplished by:

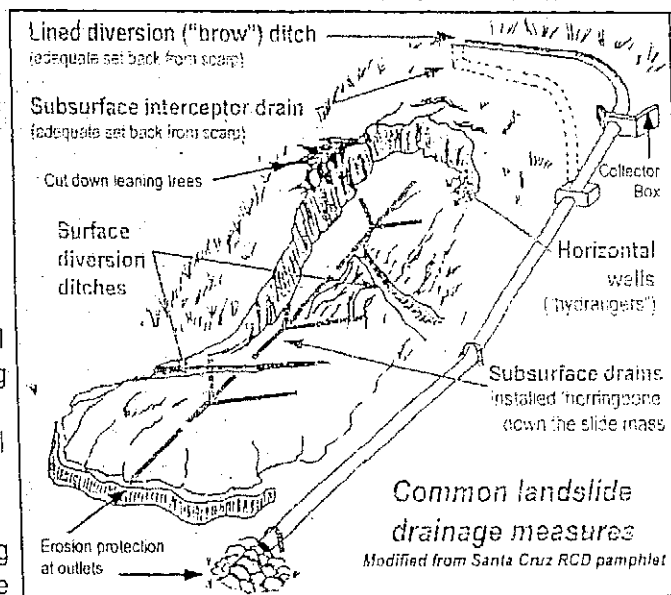
1. Relocating structures and moving property out of harm's way;
2. Deflecting or intercepting flow material and either storing it in debris basins, or conveying it through adequately sized channels or floodways;
3. Decreasing driving forces that trigger failure; and
4. Increasing those forces that resist failure.

The first two approaches consider land uses in the vicinity of the landslide and may require easements, acquisition, and/or condemnation. In addition, adequate storage or conveyance capacity must be available.

The second two approaches address slope stability directly. The following methods are commonly used, often in combination, to reduce the probability that slope failure will occur during dry to normal rainfall years:

## DRAINAGE

Intercepting and removing surface and/or subsurface water is one of the most common approaches to landslide management. Removing excess water from the soil increases resisting forces by increasing internal strength, and reduces driving forces by reducing loading. Drainage methods include



surface diversions, roof runoff management, subsurface drains, grading to reduce infiltration through cracks, and others. Covering the slide with plastic to reduce infiltration is discouraged; installation and maintenance can be difficult, soil moisture is retained, and the plastic may obscure incipient failure.

# Coastal Geology & Soil Inc.

- Soil and Geotechnical Engineering
- Engineering Geology
- Hydrogeology



April 20, 2006

Reference V06105

Wayne Fishback  
3106 Calusa Ave  
Simi Valley Ca 93063

Subject: Engineering Geologist of Record for the Hillside Erosion Control Plan to be Implemented on the Fishback Ranch, North American Cutoff, Simi Hills, County of Ventura, California.

Dear Mr. Fishback:

Per your request, Coastal Geology & Soil, Inc. (CGS) is pleased to provide you with this letter documenting that we are Engineering Geologist of Record for the Hillside Erosion Control Plan (HECO) to be implemented on your Fishback Ranch project, North American Cutoff, Simi Hills, County of Ventura, California. It is our understanding that you are in the process of developing an operation plan as part of the HECO. We further understand that Hawks and Associates, has been providing civil engineering consulting services for ongoing filling operations and is in the process of development of the HECO operations plan. We are in receipt of and have reviewed a document prepared by Hawks and Associates titled "Operation Plan of the Hillside Erosion Control Plan" for Wayne Fishback, Santa Susana Mountains.

*Start  
June 2006*

The HECO operation plan will cover three areas where filling operations are proposed. The primary purpose of the filling operations is to stabilize specific areas of your ranch where erosional problems have historically damaged existing access roads and to provide relatively level areas for agricultural purposes. The fill areas are not proposed to be utilized as engineered fill pads for the future construction of structures suitable for human habitation, and as such, the specifications and standards to be developed under the proposed HECO operation plan, are not designed to provide engineered fill pads suitable for the future construction of such structures. The standards to be developed under the proposed HECO operations plan are designed to provide stable fill areas for agricultural purposes in accordance with standard engineering design criteria.

Proposed filling operations will primarily incorporate imported clean fill soil, inert concrete rubble, and native sandstone boulders. No significant


*111*

amounts of organic materials are proposed to be utilized in filling operations. The owner has and will continue to provide personnel onsite during all import operations and all truck loads of proposed fill material will be inspected by a representative of the owner to insure that the imported material is acceptable for filling operations and is consistent with the HECO operations plan.

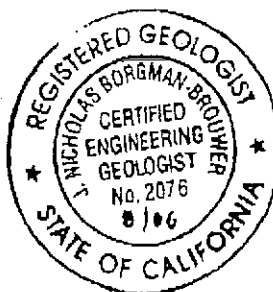
The scope of services for our portion of the project will include providing Engineering Geologic design recommendations appropriate for the proposed fill areas, field monitoring of filling operations for compaction criteria, and general geological and geotechnical observation, documentation, and recommendations as necessary. Upon completion of the project, we will provide a report documenting our observations, test results, and conclusions and recommendations.

CGS appreciates the opportunity to work on your project. If we can be of further assistance, please feel free to contact us at 805-647-2842 (office) or 805-218-6381 (cell).

Sincerely,  
Coastal Geology & Soil, Inc.



Nick Brouwer,  
Project Manager  
Certified Engineering Geologist, C.E.G. 2076



## Coastal Geology & Soil Inc.

- Soil and Geotechnical Engineering
- Engineering Geology
- Hydrogeology

June 12, 2006

Reference V06105

Wayne Fishback  
3106 Calusa Ave  
Simi Valley Ca 93063

Subject: Preliminary Slope Stability Analysis on the Area A - Lower Fill,  
Located on the Fishback Ranch, North American Cutoff, Simi  
Hills, County of Ventura, California.

Dear Mr. Fishback:

Per your request, Coastal Geology & Soil, Inc has performed some preliminary slope stability analyses on the Area A - Lower Fill located on the Fishback Ranch, North American Cutoff, Simi Hills, County of Ventura, California. Our office is in receipt of a set of preliminary grading plans prepared by Hawks and Associates, which show the location and proposed finish grade contours of the Area A fill. We understand that the subject grading plan is preliminary and is subject to change prior to finalization. As such, our preliminary slope stability calculations are intended only as a general indication of the potential stability of the proposed fills. Additional geotechnical testing and analyses are required in conjunction with the final grading plan contours to complete our slope stability analyses.

In general, slope stability calculations compare the driving forces of a slope, which would cause it to fail, against resistive forces, which would tend to maintain the slope in-place. Based on the slope stability calculations, a value is calculated which is referred to as the Factor of Safety (FS). A FS value of 1.0 means that the slope is in borderline equilibrium. A FS value of greater than 1.0 means that the slope is currently stable, whereas a FS value of less than 1.0 means that the slope is in failure or will likely fail soon. For example, a FS value of 1.5 means that the slopes resistive force to sliding is 150% of the minimum required for the slope to stand.

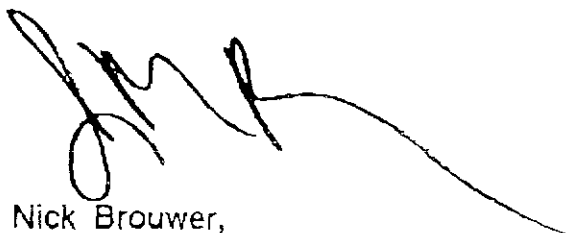
Gross stability analyses were conducted on a representative cross section through the lower fill section of Area A. For slope stability calculations, the Bishop's Modified method was used for circular failures. Gross stability calculations were conducted on a large section of the lower slope, extending from approximate elevation +1940 to +2015 msl. In each of the gross stability analyses, numerous trial failure surfaces were initiated from various locations on the slope to search for the minimum factors of

safety. A piezometric surface was not modeled, because ground water levels are not known at present, however high ground water levels are not expected to occur at the site. It is also our understanding that concrete rubble in quantities sufficient to increase subsurface drainage in the fill areas exists. The existence of concrete rubble in the fill may help to decrease subsurface saturation. However, if periodic seeps, ground water, or pore pressures do occur, they would decrease the factors of safety calculated in the gross slope stability analyses performed herein. Block analyzes also were not modeled, because the bedding planes are not expected to be adverse. Geotechnical soil parameters were assumed based on observed soils at the site. Further geotechnical testing will be required to confirm the soil parameters. The stability analyses were performed for three potential cases: 1) static analyses of fill material consisting of soil without concrete rubble, 2) static analyses of fill material consisting of soil with concrete rubble, and 3) fill material consisting of soil material without concrete rubble under pseudostatic conditions.

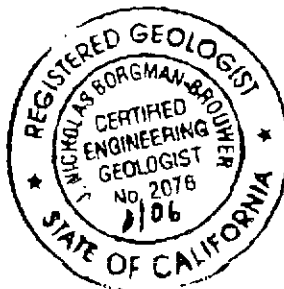
Results of the Bishops modified gross stability analyses conducted on the subject slope indicates that the preliminary stability of the slope at the critical locations tested utilizing fill material without concrete rubble yielded a static factor of safety ranging from 1.69 to 1.92. Preliminary stability analyses of the slope at the critical locations tested utilizing fill material with concrete rubble yielded a static factor of safety ranging from 1.92 to 2.08. Stability analyses performed for pseudostatic (seismic) conditions considered a required horizontal earthquake coefficient factor of 0.15. Results of the pseudostatic gross stability analyses conducted indicate that the slopes at the critical locations tested had a minimum pseudostatic factor of safety of 1.24. As such, all slopes tested were preliminarily found to be stable to within the minimum factor of safety requirements of 1.5 for static and 1.1 for pseudostatic conditions.

CGS appreciates the opportunity to work on your project. If we can be of further assistance, please feel free to contact us at 805-647-2842 (office) or 805-218-6381 (cell).

Sincerely,  
Coastal Geology & Soil, Inc.



Nick Brouwer,  
Certified Engineering Geologist, C.E.G. 2076



Ventura County  
Resource Conservation District  
P.O. Box 147  
3380 Somis Road  
Somis, CA 93066

Attention: Mr. Dale Dean, Engineer

Subject: CONSENT TO OFF-SITE CONSTRUCTION

Gentlemen:

I hereby certify that I am the minority owner of the property described as Assessor's Parcel No. 649-0-010-415.

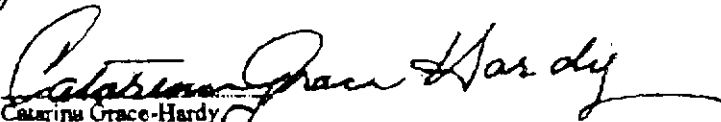
I hereby consent to construction on my property in accordance with the plans prepared by Hawks and Associates, Project No. 200, designed by P. Sherman, and drawn by D. Wilkinson depicting the Santa Susana ML - Agricultural Grading.

And further agree to hold the County of Ventura and Ventura County Resource Conservation District free and clear of any damage to our property arising from said construction.

Dated:

June 15, 2006

Signed:



Catarina Grace-Hardy

Trustee of the Catarina Grace-Hardy Revocable Trust

~~6-15-06~~  
6-16-06

Date, 770

Here is the off-site consent. <sup>Hardy</sup> Jancich  
owns a 93% share of the land. ~~He~~  
~~is getting me another form for the 7%  
over.~~

Thanks again for your tremendous help  
and support. Your low keyed presentation  
on Tuesday was excellent. In fact your  
description of the project was so good  
you got the support of the Opac Board  
member thus making it a unanimous  
decision by the Board which I believe  
is noteworthy. A split decision would  
have been controversial and could  
have led to problems in ongoing discussions  
with EHD and other unmentioned  
political forces.

Thanks again !!!

Way

Pr. J. J.  
Osborne  
377.3262

Ventura County  
Resource Conservation District  
P.O. Box 147  
3380 Somis Road  
Somis, CA 93066

Attention: Mr. Dale Dean, Engineer

Subject: CONSENT TO OFF-SITE CONSTRUCTION

Gentlemen:

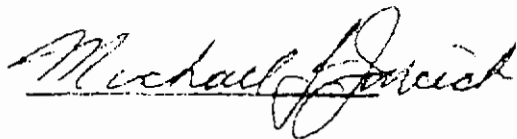
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I hereby consent to construction on my property in accordance with the plans prepared by Hawks and Associates, Project No. 200, designed by P. Sherman, and drawn by D. Wilkinson depicting the Santa Susana Mt. - Agricultural Grading.

And further agree to hold the County of Ventura and Ventura County Resource Conservation District free and clear of any damage to our property arising from said construction.

Michael J. Joncich

Date



6-14-2006

6-15-06

Date ,

Here is the off-site consent. Jarcich owns a 93% share of the land. He is getting me another form for the 7% owner.

Thanks again for your tremendous help and support. Your low keyed presentation on Tuesday was excellent. In fact your description of the project was so good you got the support of the Opac Board member thus making it a unanimous decision by the Board which I believe is noteworthy. A split decision would have been controversial and could have led to problems in ongoing discussion with EHD and other unmentioned political forces.

Thanks again !!!

Way

# Section 2

ORDINANCE NO. 3683

AN ORDINANCE REVISING THE VENTURA  
COUNTY HILLSIDE EROSION CONTROL  
ORDINANCE TO, AMONG OTHER THINGS,  
INCREASE THE PENALTIES

The Board of Supervisors do hereby amend Ordinance No. 3539,  
the Ventura County Hillside Erosion Control Ordinance as follows:

Section 1.04. DEFINITIONS (AMENDED TO INCLUDE THE TERM "VIOLA-  
TION" AS FOLLOWS:)

Violation - The act of violating any of the provisions of  
this ordinance. Each and every day or portion thereof during  
which a violation is committed, continued or permitted is a  
separate offense. A violation can be committed by a person who  
does the act, causes or permits the same to be done, or owns,  
occupies, or controls the land upon which, or regarding which,  
the act is done.

Section 2.01. APPROVED HILLSIDE EROSION CONTROL PLAN.

Except as indicated below, no person shall commence or  
continue to perform any clearing of vegetation and/or earth  
moving for new agriculture or which will cause a change in ag-  
ricultural use in the critical erosion area designated on the  
official Erosion Hazard Maps, Southern Ventura County, on file  
with the County Public Works Agency and the R.C.D. without  
first having obtained approval of a Hillside Erosion Control  
Plan from the R.C.D. and conforming thereto.

The plan shall be reviewed by the R.C.D. for conformance with  
this ordinance. If approved, a copy of the plan shall be filed  
with the Public Works Agency.

Section 6.01 APPEAL - RIGHT AND PROCEDURE

Any person aggrieved by the refusal of the R.C.D. to approve  
a Hillside Erosion Control Plan, hereinafter referred to as  
"plan" pursuant to this ordinance, or by the imposition of a  
condition on such plan, or any person who has received a Deter-  
mination of Violation from the Enforcing Officer or who has  
thereafter failed to obtain a Notice of Compliance, may appeal  
to the Board of Supervisors of the County within 90 days after  
the date of such refusal or imposition of such condition by  
filing with the Clerk of the Board of Supervisors a request that  
the Board review the decision of the R.C.D. The appeal shall  
be in the form of a written notice and shall be signed by the  
person aggrieved. The notice shall have attached a copy of the  
plan as submitted to the R.C.D. and a copy of the proposed con-  
ditions on the plan and shall state clearly and concisely the  
reasons which the person aggrieved relies on for his appeal.

The Clerk of the Board shall set the matter for hearing within 60 days after the notice is filed with said Clerk and shall notify the person aggrieved and the R.C.D. of the date set for hearing on the matter. At the hearing, the appellant shall have the burden of establishing to the satisfaction of the Board that he is entitled to approval of the plan or modification or deletion of conditions under the provisions of this ordinance, or whatever other relief he requested. The decision of the Board is final.

The Board shall approve the plan or modify or delete the conditions as sought for by said appeal, if: (1) it finds all of the following to be true:

(a) That the applicant would suffer substantial injury or detriment by the refusal to approve the plan or modify or delete the conditions;

(b) That no other method of obtaining the desired results is more reasonable or less likely to be hazardous than that proposed by the applicant; and

(c) That the approval of the plan or the modification or deletion of conditions would not be materially detrimental to the public interest, safety, health and welfare, and would not create a substantial risk of hazard of erosion, sedimentation, debris, or mudflow to persons or property, or of interference with, impairment of the use of, or damage to any erosion control or flood control facility, storm water drainage, or water conservation facility, structure or right of way in a watercourse, or substantially degrade water quality; or

(2) if it finds the requirements of subparagraphs (a), (b) and (c) above can be satisfied by the imposition of reasonable conditions.

## ARTICLE VII. ENFORCEMENT

### Section 7.01 COMPLAINTS

Complaints of work taking place in violation of this ordinance will be investigated by the County.

### Section 7.02. PENALTIES FOR VIOLATIONS

Any person who:

(a) Violates any provision of this ordinance; or

(b) Refuses without lawful excuse to attend any hearing or to produce material evidence in his possession or under his control as required by any subpoena served upon such person as provided for in the Uniform Code; or

(c) Fails, neglects, or refuses to obey any order of the enforcing officer or the Board of Supervisors of the County of Ventura made pursuant to the provisions of the "Uniform Code", and directed to such person, after such order shall be final,

shall be deemed guilty of an infraction/misdemeanor. Conviction of an infraction shall be punishable by (1) a fine not exceeding one hundred dollars (\$100) for the first violation; (2) a fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one year; (3) a fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year. Conviction of a misdemeanor shall be punishable by a fine of not more than \$1000 or by imprisonment for not more than six months or by both such fine and imprisonment.

Section 8.01. DETERMINATION OF VIOLATION, RECORDATION OF DOCUMENTS AND EFFECT OF VIOLATION.

When the Enforcing Officer has determined that work has commenced or is continuing to occur in violation of this ordinance, he may issue, by certified mail, a written Determination of Violation to the violator and all others entitled to such notice under the Uniform Code. If, within 30 days after mailing of such determination, any recipient thereof appeals to the Board of Supervisors, the Board shall conduct a hearing. If there is no appeal or if the appellant does not prevail before the Board, the Enforcing Officer shall record a Determination of Violation with the County Recorder with respect to the property. The Enforcing Officer shall immediately record a Notice of Compliance when it is determined, either by himself or the Board, that the violation no longer exists. A Determination of violation shall, whether or not recorded, preclude the issuance of further zoning clearances on the property until it is determined the violation no longer exists.

PASSED AND ADOPTED this 20th day of March, 1984, by the following vote:

AYES: Supervisors Jones, Erickson, Dougherty, Flynn and Lacey.

NOES: None.

ABSENT: None.

ATTEST:

RICHARD D. DEAN, County Clerk,  
County of Ventura, State of  
California and ex officio Clerk  
of the Board of Supervisors thereof.

By

Shirley Weas  
Deputy Clerk

Susan K. Lacey  
Chair, Board of Supervisors



AN ORDINANCE RELATING TO THE CONTROL OF WATER  
QUALITY, SOIL EROSION AND SEDIMENTATION OF NEW  
AGRICULTURAL HILLSIDE DEVELOPMENTS

The Board of Supervisors of the County of Ventura, do ordain  
as follows:

ARTICLE 1. TITLE, PURPOSE, SCOPE, GENERAL PROVISIONS

Section 1.01. TITLE.

This ordinance shall be known as the Ventura County Hillside  
Erosion Control Ordinance.

Section 1.02. PURPOSE.

The purpose of this ordinance is to reduce nonpoint source  
water pollution, to reduce degradation of water quality, to improve  
water quality, to control erosion and production of sediment, and  
to reduce related environmental damage by establishing minimum  
standards and providing regulations within new agricultural  
developments for the construction and maintenance of fills,  
excavations, cut and clearing of vegetation, revegetation of  
cleared areas, terraces, diversions, improved irrigation and  
drainage control in critical erosion areas, as well as for the  
protection of exposed soil surfaces in order to promote the  
safety, public health, convenience, and general welfare of the  
community.

Section 1.03. SCOPE.

This ordinance shall provide for the approval of Hillside  
Erosion Control Plans in the "critical erosion area" (designated  
on the official Erosion Hazard Maps, Southern Ventura County, on  
file with the Public Works Agency and the Ventura County Resource  
Conservation District) within the unincorporated territory of Ventura  
County including:

- (a) Fees
- (b) Review and approval
- (c) Exceptions
- (d) Appeals
- (e) Submittal for approval of Hillside Erosion Control Plan
- (f) Contents of Hillside Erosion Control Plan
- (g) Standards
- (h) Implementation

Section 1.04. DEFINITIONS.

The following definitions shall apply to this ordinance:

Best Management Practices - A practice or combination of practices and treatments for soil and water conservation that is determined to be the most effective, practicable (including technological, economic and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals; applicable as Resource Management Systems.

Board - Board of Supervisors County of Ventura.

Building Permit - A permit issued by a governmental agency that authorizes the construction of a physical structure, including land preparation.

Clearing - (Land preparation) - The removal of plants, shrubs, trees, and roots thereof, structures, or other objects from the surface of the land.

County - The County of Ventura, California

Critical Erosion Area - The area with erosion hazard of soils severe to very severe which has been delineated on the official Erosion Hazard Maps, Southern Ventura County.

Debris - Loose material arising from the disintegration of rocks and vegetative material and any man made material; transportable by storm water runoff, streams or floods.

Drainage - The removal of surface water or groundwater from land by means of surface or subsurface drains.

Drainageway - Natural depression in the earth's surface or man-made channels or depressions in which surface waters collect as a result of rain or melting snow, but at other times are destitute of water.

Drainage Control Facility - A device for controlling drainage; a structure designed to regulate the flow rate or course of runoff water.

Emergency - An unforeseen combination of circumstances and the resulting state that causes a pressing need for immediate action.

Enforcing Officer - The Director of the Public Works Agency of the County of Ventura, or his designated representative.

Erosion - The wearing away of the land surface by running water, wind, ice, or other climatic and geological agents, including such processes as gravitational creep, or mass wasting.

Excavation - Any activity by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

Fill - A deposit of earth material placed by artificial means; any act by which earth, sand, gravel, rocks or any other material

is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom.

Flood Control Facility - Any watercourse, channel, dam, basin, or related structure or installation for the control of storm water runoff.

Flood Damage - Any excessive damage to natural or man-made resources resulting from storm water runoff.

Grading Permit - A permit issued by the County of Ventura in conformance with Chapter 70 of the Uniform Building Code as amended by the County of Ventura.

Groundwater Table - The upper surface of the groundwater or that level below which the soil is saturated with water.

Hillside Erosion Control Plan or Plan - (Resource Conservation Report) A plan which fully indicates necessary land treatment and structural measures, installations and treatments, which effectively minimize soil erosion and sediment and debris yield.

Hillside Erosion Control Plan Condition or Plan Condition - A requirement that will be executed in accordance with the Plan.

Land Disturbance - Any activity involving the clearing, grading, filling and any other activity which causes land to be exposed to the danger of erosion.

Land Preparation - The conditioning of land including clearing, land leveling for related gradient control, and soil preparation for seeding, planting and replanting of crop land or soil protection developments.

Landslide - Earth materials which are moving or have moved downward on a hillside slope as a result of the action of external forces such as gravity, seeping water, earthquakes, or a combination thereof.

Long-Term Erosion - The erosion that accumulates over an extended period of time, generally over a term greater than 2 years; erosion that is considered to be in equilibrium with natural geological processes.

Mudflow - A flowage of saturated soil or soil material down a hillside due to the accumulation of a large amount of water in the ground.

Nonpoint Source Water Pollution - Pollution that is generated by diffused land use activities, conveyed to waterways through natural processes such as storm runoff, which is controllable by changes in land management practices.

Native Vegetation - The plants, shrubs, trees and roots thereof, which grow naturally or have become adapted to a local environment without being planted or cultivated by man.

Original Surface - The surface of the ground at the time of the initial investigation of a proposed project prior to any proposed land modification.

Parcel - A parcel of real property as defined by the County Assessor of the County of Ventura, California.

Person - Any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, trust, business trust, receiver, syndicate or any other group or combination acting as a unit, and the plural as well as singular members.

Physical Land Condition Report - A written summary containing data describing physical conditions including: land use, topographic relationships, geology and hydrology relationships, critical site limitations, land treatment measures, and any other significant data relating to the land.

Prompt Establishment of Protective Vegetation - Normally less than 1 year or until sufficient rainfall has occurred to provide water for growth of vegetation.

Public Nuisance - Any condition which threatens the health, safety, property or general welfare of the public.

Public Works Agency - Ventura County Public Works Agency.

R.C.D. - The Ventura County Resource Conservation District, 3360 Somis Road, Somis, California.

Sedimentation - The process by which mineral or organic matter is removed from its site of origin, transported, and deposited by water, wind or gravity.

Short-Term Erosion - Erosion which may occur prior to the establishment of vegetation or other approved erosion control measures; generally that erosion occurring over a term of up to two years.

Soil Conservation Service Land Capability Classification - A classification adopted by the United States Department of Agriculture Soil Conservation Service defining the ability of the land to produce under specified uses and conservation treatments with due regard to the inherent limitations and hazards of the land.

Soil Series - A category of soil classification in which soils with similar sequences of natural layers are grouped together and named; soils that are essentially alike in all major profile characteristics, with the exception of surface texture.

Soil Type - A subdivision of a soil series consisting of or describing soils that are alike in all characteristics, including soil texture.

Storm Water Drainage - Drainage resulting from any rainfall.

Ten-Year Frequency Rainstorm - A rainstorm of such intensity that, on the average, could be expected to be equalled or exceeded once every ten years in a twenty-four (24) hour period; a rainstorm of such intensity that has a ten percent chance of being equalled or exceeded in any given year.

Uniform Code - Uniform Code for Abatement of Dangerous Buildings, 1979 edition.

Vegetation - The plant life (flora) which covers the ground surface of an area.

Watercourse - A permanent stream; intermittent stream, river, brook, creek, channel or ditch for water, whether natural or man-made.

Water Conservation Facility - A structure or installation which is used for the preservation and protection of water resources; structure designed to increase water infiltration and reduce runoff.

Watershed - All the land and water within the confines of a drainage divide.

Water Quality - The condition or property of water characterized by the amounts of total dissolved solids, turbidity, odor, and other chemical, biological, and physical substances relative to the needs created by an intended use of a particular source of water.

#### Section 1.05. RULES APPLYING TO TEXT.

For the purpose of this ordinance, certain rules of word usage apply to the text as follows:

- (a) Words used in the present tense include the future tense, and the singular includes the plural unless the context clearly indicates the contrary
- (b) The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- (c) Words not defined by this article shall be used with their common meaning.
- (d) If a term used herein is contained in another adopted ordinance or statute, the more restrictive definition shall prevail.

#### ARTICLE II. PROCEDURE

##### Section 2.01. APPROVED HILLSIDE EROSION CONTROL PLAN.

Except as indicated below, no person shall commence or perform any clearing of vegetation and/or earth moving for new agriculture or which will cause a change in agricultural use in the critical erosion area designated on the official Erosion Hazard Maps, Southern Ventura County, on file with the County Public Works Agency and the R.C.D. without first having obtained approval of a Hillside Erosion Control Plan from the R.C.D. and conforming thereto.

The plan shall be revised by the R.C.D. for conformance with this ordinance. If approved, a copy of the plan shall be filed with the Public Works Agency.

#### Section 2.011. EXCEPTIONS.

An approved plan shall not be required if, during a period of 12 consecutive months, the work meets any of the following conditions:

(a) The area of clearing of native vegetation, excavation, fill or combination thereof does not exceed 10% of a parcel or 25 contiguous acres of land under one owner, whichever is less.

(b) An excavation or fill is authorized by a valid grading, building, well, or conditional use permit. This exception does not affect the requirement of a Hillside Erosion Control Plan for any fill made with the material from such excavation.

(c) Upon detailed review of the data submitted on the location and site specific conditions of the proposed work, the R.C.D. determines that an erosion control plan is not required. The R.C.D. shall notify the land owner, or his representative, in writing of the exception.

#### Section 2.02. SUBMITTAL FOR APPROVAL OF HILLSIDE EROSION CONTROL PLAN.

The submittal for approval of a Hillside Erosion Control Plan to R.C.D. shall include:

(a) A location map showing the drainage and watershed position, and parcel boundaries plotted on a United States Geological Survey 7.5 minute topographic map;

(b) Proposed work plan with reasonable scale not to exceed a maximum scale of 500 feet to one inch, existing and finished contour intervals not greater than 20 feet shown for all the area to be cleared or prepared, plus a minimum of 100 feet in all directions beyond the area to be cleared or prepared; and including the contents specified in Article III.

(c) A physical land condition report indicating soil series and type, designation of Soil Conservation Service Land Capability Classification, geologic features such as landslides and any other critical area conditions such as gullied areas, severe erosion, etc.

### ARTICLE III. CONTENT OF HILLSIDE EROSION CONTROL PLANS

#### Section 3.01. REQUIREMENTS.

(a) The Hillside Erosion Control Plan shall contain appropriate information according to this article. The plan shall also conform to the requirements in the sections on "Standards" and "Implementation" of Articles IV and V, respectively.

(b) The plan shall be prepared by a person or firm qualified by training and experience to have expert knowledge of runoff, erosion and sediment control treatments including drainage and

related land management conservation techniques. The R.C.D. may, when requested, assist with the preparation of Hillside Erosion Control Plans with available assistance from the Soil Conservation Service and designated persons or firms doing the planning work.

(c) Formulation and implementation of the proposed measures may be adopted from recommendations contained in the Soil Conservation Service Field Office Technical Guide, which is on file with the R.C.D.

#### Section 3.02. DRAINAGEWAY PROTECTION AND CONTROL MEASURES.

Where it is determined necessary by the R.C.D. to reduce the increased rate and volume of rainfall runoff due to the alteration of the runoff pattern, the following data shall be provided:

(a) The runoff rate and volume to be expected from a 10-year, 24-hour frequency rainstorm for conditions existing before and after the proposed land disturbance.

(b) The location of natural and man-made drainageways.

(c) The size of drainage areas above cuts and slopes.

(d) The methods to be used to reduce erosion of drainageways.

(e) The procedures used to trap sediment in order to protect drainage control facilities.

(f) The methods used to prevent or control the rate and direction of runoff on roadways during and after land disturbance.

(g) The methods used to control runoff across the slopes of cuts and fills and graded areas during and after land disturbance.

(h) The schedule for construction of drainage protection and control measures.

(i) The method and schedule for construction of waterway crossings.

#### Section 3.03. SEDIMENT DETENTION MEASURES.

Information on the design criteria of sediment basins shall include the following:

(a) The location and dimensions of the sediment basins.

(b) The hydrologic and sediment transport data used to determine the proper capacity of the needed basin.

(c) The construction procedure and schedule.

(d) The source of borrow material.

(e) The maintenance schedule.

(f) The type and manner of vegetating the erodible slopes.

## Section 3.04. WORK SCHEDULE

A work schedule shall be provided. No work shall be permitted on the site until the schedule has been approved as a part of the plan.

The R.C.D. shall check the adequacy of the schedule with respect to the factors that could contribute to both short-term and long-term erosion on the project site.

The work schedule shall be checked for prompt establishment of protective vegetation with full recognition of climatic and other factors that influence its establishment.

## Section 3.05. MAINTENANCE OF FACILITIES

Any vegetative, cleared, or constructed facilities that are installed to provide erosion and sediment control shall be maintained by the landowner in a condition sufficient to perform their intended function.

## ARTICLE IV. STANDARDS

### Section 4.01. GENERAL

The Hillside Erosion Control Plan shall conform to the standards described in the applicable Resource Management Systems (Best Management Practices) as contained in the United States Department of Agriculture, Soil Conservation Service Technical Guide Covering Ventura County, which Best Management Practices are hereby incorporated herein as though fully set forth at this point. The Handbook is available for inspection at the R.C.D.

## ARTICLE V. IMPLEMENTATION

### Section 5.01. AUTHORITY AND RESPONSIBILITY.

All land preparation shall be conducted and soil erosion and sediment control measures shall be installed in compliance with this ordinance and in accordance with the approved Hillside Erosion Control Plan. Upon completion of the work and certification by the R.C.D., the property owner shall notify the County in writing that such work was done in accordance with the approved Hillside Erosion Control Plan and includes a copy of the approved as-built plan.

All soil and sediment control measures shall be adequately maintained to insure that they will continue to perform the intended function of erosion and sediment control.

## ARTICLE VI. APPEAL

### Section 6.01 APPEAL - RIGHT AND PROCEDURE

Any person aggrieved by the refusal of the R.C.D. to approve a Hillside Erosion Control Plan, hereinafter referred to as "plan" pursuant to this ordinance, or by the imposition of a condition on such plan, may appeal to the Board of Supervisors

of the County within ninety (90) days after the date of such refusal or imposition of such condition by filing with the Clerk of the Board of Supervisors a request that the Board review the decision of the R.C.D. The appeal shall be in the form of a written notice and shall be signed by the person aggrieved. The notice shall have attached a copy of the plan as submitted to the R.C.D. and a copy of the proposed conditions on the plan and shall state clearly and concisely the reasons which the person aggrieved relies on for his appeal. The Clerk of the Board shall set the matter for hearing within sixty (60) days after the notice is filed with said Clerk and shall notify the person aggrieved and the R.C.D. of the date set for hearing on the matter. At the hearing, the person aggrieved shall have the burden of establishing to the satisfaction of the Board that he is entitled to approval of the plan or modification or deletion of conditions under the provisions of this ordinance, otherwise the action of the R.C.D. shall stand. The decision of the Board is final.

The Board shall approve the plan or modify or delete the conditions as sought for by said appeal, if: (1) it finds all of the following to be true:

(a) That the applicant would suffer substantial injury or detriment by the refusal to approve the plan or modify or delete the conditions;

(b) That no other method of obtaining the desired results is more reasonable or less likely to be hazardous than that proposed by the applicant; and

(c) That the approval of the plan or the modification or deletion of conditions would not be materially detrimental to the public interest, safety, health and welfare, and would not create a substantial risk of hazard of erosion, sedimentation, debris, or mudflow to persons or property, or of interference with, impairment of the use of, or damage to any erosion control or flood control facility, storm water drainage, or water conservation facility, structure or right of way in a watercourse, or substantially degrade water quality; or

(2) if it finds the requirements of subparagraphs (a), (b) and (c) above can be satisfied by the imposition of reasonable conditions.

## ARTICLE VII. ENFORCEMENT

### Section 7.01 COMPLAINTS

Complaints of work taking place in violation of this ordinance will be investigated by the R.C.D. who shall notify the County of observed violations.

### Section 7.02 PENALTIES FOR VIOLATIONS

Any person who:

(a) Violates any provision of this ordinance; or

(b) Refuses without lawful excuse to attend any hearing or

to produce material evidence in his possession or under his control as required by any subpoena served upon such person as provided for in the Uniform Code; or

- (c) Fails, neglects, or refuses to obey any order of the enforcing officer or the Board of Supervisors of the County of Ventura made pursuant to the provisions of the "Uniform Code, and directed to such person, after such order shall become final,

shall be deemed guilty of an infraction and, upon conviction thereof, shall be punishable by (1) a fine not exceeding fifty dollars (\$50) for the first violation; (2) a fine not exceeding one hundred dollars (\$100) for a second violation of the same ordinance within one year; (3) a fine not exceeding two hundred fifty dollars (\$250) for each additional violation of the same ordinance within one year.

#### ARTICLE VIII. NUISANCE ABATEMENT

##### Section 8.01 NOTICE OF VIOLATION

When the Enforcing Officer is notified in writing by the R.C.D. that work is being performed in violation of this ordinance or previously approved work is not being maintained or work not in conformance with a plan approved pursuant to this ordinance is being performed, he may issue a Notice of Violation to the violator and all others entitled to notice under the Uniform Code.

##### Section 8.02. WARNING TO ABATE NUISANCE

A violation of Section 2.01 is hereby declared to be a public nuisance and may be abated. The Enforcing Officer shall notify the violator and all others entitled to notice under the the Uniform Code by certified mail to abate the nuisance by a specific date. The notice shall indicate that in the event the nuisance is not abated, the County may do so and assess the costs of the abatement to the violator or the property.

##### Section 8.03. ISSUANCE OF RESTRAINING ORDER

If a violator does not abate a nuisance after being notified to do so in conformatnce with this ordinance and/or work is continuing to be performed that is in violation of the ordinance, the Enforcing Officer may request the appropriate court of jurisdiction to issue a restraining order to prohibit additional work.

##### Section 8.04. NUISANCE ABATEMENT BY COUNTY

If a violator does not abate a nuisance after being notified to do so in conformance with this ordinance, the nuisance may be abated by County. In the event of abatement by County, the costs of such abatement shall be assessed to the violator or the property. In the latter case, the assessment shall be collected at the same time and in the same manner as ordinary County taxes are collected and shall be subject to the same penalties and the same procedure for sale in case of delinquency as provided for ordinary taxes.

All laws applicable to the levy, collection and enforcement of County taxes shall be applicable to such assessment. The procedure established for the repair, vacation or demolition of dangerous buildings by the Uniform Code to the extent it can reasonably be applied to violations of Section 2.01 hereof, is hereby incorporated herein as though fully set forth at this point, provided that for purposes of said Uniform Code, the Enforcing Officer shall be deemed to be the "Building Official".

#### Section 8.05. EMERGENCY ABATEMENT

If the Board determines that any emergency exists because of a violation of Section 2.01, then without following the procedure established by Section 8.01, 8.02, and 8.04, the Enforcing Officer may order all work done necessary to remove, abate or mitigate the condition creating such emergency. The Enforcing Officer may do the work with his own employees or may contract to have the work done; in either event, the Enforcing Officer shall keep a record of the cost of the work and charge the cost of the work to the violator, who shall repay the County for the cost thereof. If the violator does not voluntarily repay the cost, the amount shall be; assessed to his property and collected as provided in Section 8.04 hereof.

#### ARTICLE IX. FEES

##### Section 9.01 FEES

A schedule of fees for County staff services related to this Ordinance shall be adopted by resolution of the Board of Supervisors of the County. No other County fees will be required.

#### ARTICLE X. SEVERABILITY

##### Section 10.01 SEVERABILITY

If any section, subsection, sentence, clause, phrase or other portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion or portions of this ordinance. The Board of Supervisors of the County of Ventura hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or any portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or other portions be declared invalid or unconstitutional.

#### ARTICLE XI. APPLICABILITY

##### Section 11.01. APPLICABILITY

This ordinance is supplemental to existing grading regulations and does not supercede them.

ARTICLE XII. EFFECTIVE DATE

Section 12.01. EFFECTIVE DATE

This ordinance shall become effective on the 30th day after the date of its adoption.

Adopted by the Board of Supervisors of the County of Ventura on April 7, 1981, by the following vote:

AYES: Supervisors Lacey, Jones, Erickson, Flynn, and Dougherty

NOES: None

EXCUSED: None

By

James R. Dougherty

Chairman of the Board of Supervisors  
of the County of Ventura

ROBERT L. HAMM, County  
Clerk, County of Ventura  
and ex-officio Clerk of  
the Board of Supervisors  
thereof.

By

Ray Willard  
Deputy Clerk



# Section 3



---

Ventura County Resource Conservation District

P.O. Box 147 - 3380 Semis Road - Semis, California 93066 - Phone (805) 386-4685

Mr. William Stratton, Manager  
VC Environmental Health Department  
800 South Victoria Avenue  
Ventura CA 93009-1600

January 13, 2006

Regarding: **Hillside Erosion Control Ordinance Procedures (HECO)**

Dear Mr. Stratton,

Thank you for your participation in the joint meeting with RMA and Ventura County Resource Conservation District's President, Gary Ball last December. The "Draft Proposed HECO Information Sharing Process" from Mr. Chris Stephens was discussed at length with the VCRCD Board of Directors at its monthly meeting January 10, 2006.

The Board agrees with the notification procedures for new and completed HECO's. This is currently being done through Public Works. The VCRCD does not have access to the County "Permit Plus System" but envisions this as an efficient method of notice to all County Agencies. They also agree that complaints should be forwarded to VCRCD on HECO Plans approved by the Board of Directors. Enforcement, if necessary, or "recording" of violations is formally referred back to Public Works.

The subject Ordinance has been beneficial to sediment control and water quality since the early 80's and the Ordinance has become even more evident with newly required Watershed TMDL Testing. We foster a positive relationship with the agricultural community and strive to facilitate the implementation of "Best Management Practices" through the HECO Plan. The Board believes requiring all HECO Applicants to file with EHD is redundant and adds an unnecessary step in the process. Timely processing of agricultural projects is paramount in fostering cooperation and acceptance that reduces violations.

The VCRCD Board does not want the Ordinance to be used for "Landfill Operations" which clearly are under EHD's jurisdiction. We believe the standards and control for imported agricultural fill can be achieved through the HECO Ordinance.

**Please forward** what is "exempt" and what is "non-exempt" in regard to fill materials. This specification will be added to the HECO Plan on imported fill projects. If this is not acceptable to the applicant, they or their licensee can apply with EHD for the proper permit.

Thanks you again for your interface in this matter. Contacts with your department have been professional; and, a positive, problem solving relationship will be beneficial to our mutual objectives.

Sincerely

Dale Dean  
District Engineer

c. Gary Ball  
Chris Stephens

# Section 4

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Harry (31)

Hospital

Milwood

Mountain

Resumes (1)

See your  
credit score: \$0See what's new at  
Y! Video Games\$150,000 Loan  
Only \$494 /Mo.!Earn your  
degree online!\* From: "Raymond Gutierrez" <Raymond.Gutierrez@ventura.org> View Contact Details  
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\* To: waynefishback@yahoo.com

Subject: Fwd: Background on the dump

Wayne, I received this email over the weekend.

My office has not finalized the grading permit ag exemption which will do but please be certain that the following occur:

1. Do not take any more fill until the ag grading exemption is in place.
2. Do not charge people to receive the fill. You may be subject to CUP, SMARA, or Environmental Health regulations. By charging a fee to receive the fill you may subjecting your ag exemption into a discretionary process such as those mentioned.
3. Be certain that you have adequate sediment control to prevent erosion or runoff from the fill areas into the creek or major drain courses.

I'll get back to you shortly,

Ray Gutierrez, Manager  
Development & Inspection Services  
654-2059>>> "Todd Doherty" <todd@doherty@yahoo.com> 04/09/2006 2:04 PM >>>  
Dear Dr. Pampalone,

For the past one and a half years, Mr. Wayne Fishback, has operated a solid waste landfill at the top of Woolsley Canyon Road - adjacent to the Santa Monica Mountains Conservancy park - SAGE RANCH. That's 100-125 trucks per day, six days per week - each load pays Mr. Fishback \$25 for 'clean' fill, \$35 for 'dirty' fill.

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A year ago, the Ventura County Grading Department (Mr. John Pine) investigated, determined that a grading violation was in progress, and cited Mr. Fishback.

Ventura County Supervisor Judy Mikels intervened on behalf of Mr. Fishback and the grading violation was thrown out because Mr. Fishback claimed he wasn't operating a dump he was hauling in fill to create pasture for his three cows - which allowed, in the eyes of Ms. Mikels, for an agricultural exemption. (Mr. Fishback is a licensed architect - raised in Chicago, not Brokeback Mountain).

Governor Schwarzenegger's office didn't buy the 'rancher' line.

He instructed the California Integrated Waste Management board to investigate this 'ranch', which led to the determination that 'cows or no cows' it's a dump.

Mr. Fishback is now being required to apply for a permit to operate a dump - which will require a public hearing as part of the application process. Ms. Mikels, Mr. Antonovich, and Mr. Greig Smith need to know that we know this.

td

\* --- Barbara Pampalone <pampalone@dslextreme.com> wrote:

> Do I understand that someone just gave him a "solid  
> Waste Disposal" permit  
> without the hearing? Thanks in advance for the  
> information. Barbara

> -----Original Message-----

\* > From: SSMFA@yahooogroups.com  
> [mailto:SSMFA@yahooogroups.com] On Behalf Of Todd  
> Doherty

> Sent: Saturday, April 08, 2006 8:34 AM

\* > To: ssmpa@yahooogroups.com;  
\* > ssmpaofficers@yahooogroups.com; cheryl rietveld;  
\* > lakemanorandbxcanyonenthusiasts@yahooogroups.com;  
> miller.jan@att.net  
> Subject: [SSMPA] Public Hearing REQUIRED for  
> FISHBACK's Solid Waste Disposal  
> Application

> Please note the following excerpt from the  
> California  
> Code of Regulations.

> Please consider writing a letter to Ms. Judy Mikels,  
> Ventura County Supervisor and Mr. Michael  
> Antonovich,  
> Los Angeles County Supervisor.

> Section 17388.6. Public Hearing.

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> (a) Provided that a comparable public hearing has  
 > not  
 > been held within the year preceding the EA's receipt  
 > of a complete and correct application, the EA shall  
 > hold an informational public hearing on an  
 > application  
 > for a Registration Permit or a Full Permit required  
 > under this Article. The EA may require the  
 > operator(s)  
 > of the facility or facilities that are the subject  
 > of  
 > the hearing to pay all costs incurred by the EA in  
 > connection with the hearing. The hearing may be  
 > combined with another hearing in which the EA  
 > participates that meets the criteria in this  
 > section.  
 > In the case of an application for a Full Permit, the  
 > hearing shall be held before the EA submits the  
 > proposed permit to the board for concurrence. In the  
 > case of an application for a Registration Permit,  
 > the  
 > hearing shall be held before the EA issues the  
 > permit.  
 > The EA shall submit to the board a statement that  
 > the  
 > hearing required by this section was held, in the  
 > case  
 > of a Full Permit, at the time the EA submits the  
 > proposed permit to the board for concurrence, or, in  
 > the case of a Registration Permit, at the time the  
 > EA  
 > submits a copy of the permit it has issued.  
 >  
 > (b) The hearing shall meet the following criteria:  
 >  
 > (1) Notice of the hearing shall be given pursuant to  
 > Government Code Section 65091, subdivisions (a) -  
 > (c),  
 > inclusive.  
 >  
 > (2) Notice of the hearing shall also be given to the  
 > governing body of the jurisdiction within which the  
 > facility is located and to the State Assembly Member  
 > and the State Senator in whose districts the  
 > facility  
 > is located.  
 >  
 > (3) The hearing shall be held in a suitable location  
 > not more than five (5) miles from the facility that  
 > is  
 > the subject of the hearing; provided that, if no  
 > suitable location exists within five (5) miles of  
 > the  
 > facility, as determined by the EA, the EA may  
 > designate an alternative suitable location that is  
 > as  
 > close to the facility as reasonably practical.  
 >  
 > (4) The hearing shall be held on a day and at a time  
 > that the EA determines will enable attendance by  
 > residents living in the vicinity of the facility  
 > that

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> is the subject of the hearing.  
>  
> (c) EAs may undertake additional measures to extend  
> public notice and to encourage attendance by any  
> persons who may be interested in the facility that  
> is  
> the subject of the hearing.  
>  
>  
>  
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**From:** DeportNewkirk@aol.com




**Date:** Sun, 7 May 2006 22:15:53 EDT

**Subject:** I'm in

**To:** waynefishback@yahoo.com

**To:** "Bill Stratton" <bill.stratton@ventura.org>, ssmipaofficers@yahooogroups.com

**CC:** dale.dean@vcrd.org, "Michael Bledsoe" <mbledsoe@ciwmb.ca.gov>, ssmipa@yahooogroups.com, belmond@theacorn.com, ccomeaux@venturacountystar.com, chris.weinkpof@dailynews.com, esolomon@waterboards.ca.gov, "Enrique Casas" <ec Casas@waterboards.ca.gov>, "Paul Edelman" <edelman@smmc.ca.gov>, george.denny@sierraclub.org, "Diane Hall" <diane.hall@ventura.org>, jhowry@venturacountystar.com, "jim dantona" <jd.cs@govimpact.com>, kerry.cavanaugh@dailynews.com, kwilson@venturacountystar.com, knight@theacorn.com, lakemanorandboxcanyonenthusiasts@yahooogroups.com, "bradley novicoff" <bnovicoff@earthlink.net>, "Los Padres Chapter" <erin.duffy@sierraclub.org>, skei@smmc.ca.gov, "Dean Wallraff" <dean.wallraff@angeles.sierraclub.org>

**From:**  "Todd Doherty" <toddrdoherty@yahoo.com>  Add to Address Book  Add Mobile Alert  
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**Date:** Thu, 4 May 2006 11:36:44 -0700 (PDT)

**Subject:** [LakeManorandBoxCanyonenthusiasts] Mr. Fishback's solid waste facility application and Mr. Dean - VCRCB

Mr. Stratton,

Perhaps you could connect with Mr. Dean.

*Led to Stratton going to RCD Board meeting  
on 5-9-06*

Mr. Dean called me yesterday to fill me in on Mr. Fishback's efforts to designate the adjacent Sage Ranch properties he owns or controls (or, in the case of Irma Murray, effectively stolen) as 'agricultural' - remember the three cows?

He had no idea your agency or the California Integrated Waste Management Board had designated the property a solid waste facility.

He also had no idea that the county had recently won a lawsuit against Mr. Fishback over these same properties effectively denying him his demand to subdivide the land further to facilitate his long-term plans (architect from Chicago).

He also had no idea that Mr. Fishback was appointed to an appeals board (by Judy Mikels) within the Ventura County Fire Department that oversees the potential development of lands at the top of Black Canyon and Woolsley Canyon roads that have development limits due to their status as substandard roads (that take truck traffic of 150 trucks per day - fully-loaded trucks).

td

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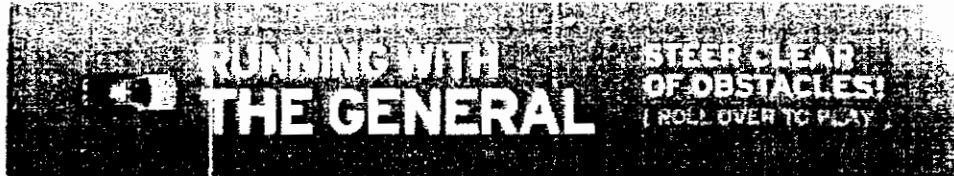
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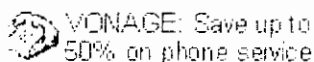
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To: waynefishback@yahoo.com

Subject: Fwd: Concerned about the environment

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From: Dantona For County Supervisor &lt;jd.cs@govimpact.com&gt;

Date: May 17, 2006 2:55 AM

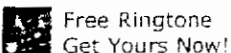
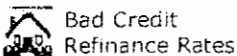
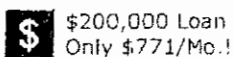
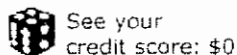
Subject: RE: Concerned about the environment

To: John Ray &lt;johnray54@gmail.com&gt;

## Search Shortcuts

My Photos

My Attachments



Thank you for writing Mr. Ray. I am well aware of the dumping going on near Sage Ranch and was part of a protest carried on last week. The latest news is that the owner has received a "Cease and Desist Order" from the Ventura County Environmental Health Division, but on May 9th he had applied for an agricultural exemption from the Ventura County Resource Conservation District. Since he owns three cows, he claims the land as agricultural space and purports to be filling in the land for grazing.

I support the residents of the Lake Manor, Woolsey Canyon and Box Canyon areas who have been fighting this battle to no avail for over two years now. If elected, you can be certain that I will work with County agencies to stop this dumping once and for all. You should be miffed that our current County Supervisor has not only ignored this problem for residents, but appointed the owner to a fire safety commission. Is it any wonder why she refuses to get tough with him?

In a recent flyer distributed to the entire Santa Susana Knolls and Lake Manor communities I highlighted the following issues that directly effect them:

\*\*\*

Jim Dantona has no problem stating clearly and directly that the issues facing your community, are the issues he will champion on your behalf.

142

He supports and will fight for:

- A neighborhood council (municipal advisory council) representing your communities
- Immediately stopping the rezoning of the Horse Ranch development in the Santa Susan Knolls
- A moratorium on other zoning changes until your neighborhood council can participate in such changes via an area plan
- Ending the dumping carried on near Sage Ranch Park
- County and State pressure for Boeing to immediately cleanup and rectify all issues of toxic pollution related to the Rocketdyne Santa Susana Field Laboratory

There is not another candidate who is willing to do this.

This is a campaign to represent the issues that directly face your community.

Jim Dantona will attack head-on, issues that have been neglected by, or out-and-out created by, Judy Mikels and her special interest partners.

\*\*\*

I hope this clarifies exactly where I stand on the issues.

I assume you live and vote in the 4th District. If you have not been receiving my mailers, please let me know and I will forward them to you.

Regards,

Jim Dantona  
Dantona for County Supervisor  
P.O. Box 1438  
Simi Valley, CA 93062  
805-520-1418  
www.JimDantona.com

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## **Judy Mikels, Supervisor of District 4**

Stop the un-permitted DUMP SITE at N. American Cut off Road in the Santa Susana and Box Canyon Area! During the last two years, you have allowed over four thousand trucks to deliver approximately one half million yards of untested, unregulated, and questionable material.

**If you don't care about your District, RESIGN.**

**If you won't let Public Works to do their job in your District, RESIGN.**

For many years, you have neglected the eastern end of your District. You have allowed blatant code violations to continue for years. You have disregarded the resident's rights to live in a safe and clean environment. You have disregarded the residents concerns regarding zone changes and incompatible development in our area.

**If you can't get the job done in your District, RESIGN.**

**If you can't get the Grading Department to do their job in your District, RESIGN.**

For information call; (818) 324-7488 or (818) 702-0854

# Section 5

# SUMMONS (CITACION JUDICIAL)

## NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

TODD DOHERTY, JIM DANTONA, JOHN DANTONA, NANCY BREWER, ROBERT MIONSKE, JAN MILLER, and DOES 1 through 50, inclusive

## YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

WAYNE FISHBACK and CAROL FISHBACK,

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

VENTURA  
SUPERIOR COURT  
FILED

JUN 06 2006

MICHAEL D. PLANET  
Executive Officer and Clerk

BY: \_\_\_\_\_ DEPUTY

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

Ventura County Superior Court  
3855 F Alamo Street  
Simi Valley CA 93065

CASE NUMBER:  
(Número del Caso):

SC046731

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Kate Neiswender Post Office Box 24617 Ventura CA 93002  
8056495575 fax 8056498188 kmn@inreach.com

DATE: JUN 06 2006  
(Fecha)

MICHAEL D. PLANET

Clerk, by \_\_\_\_\_

(Secretario)

DENISE M. DODD

Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

### NOTICE TO THE PERSON SERVED: You are served

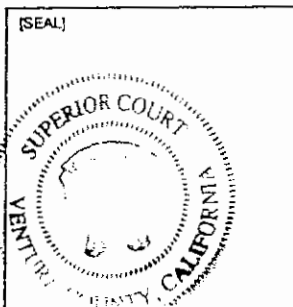
1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)

☐ other (specify):

4. ☐ by personal delivery on (date):



KATE M. NEISWENDER (State Bar No. 133234)  
LAW OFFICE OF K.M. NEISWENDER

Post Office Box 24617  
Ventura, California 93002  
voice: 805/649-5575  
fax: 805/649-8188

Attorney for Plaintiffs  
WAYNE and CAROL FISHBACK

D.C.M./TRACK ASSIGNMENT  
☐ UNLAWFUL DETAINER  
☐ ECONOMIC  
☒ STANDARD  
☐ UNINSURED MOTORIST  
☐ TRACT COORD TO NOTIFY

READ THE VENTURA COUNTY  
LOCAL RULES THAT GOVERN  
COMPLIANCE WITH FAST TRACT

ASSIGNED COURT 33

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF VENTURA**

WAYNE FISHBACK and CAROL FISHBACK,

Plaintiffs,

v.

TODD DOHERTY, JIM DANTONA, JOHN  
DANTONA, NANCY BREWER, ROBERT  
MIONSKI, JAN MILLER, and DOES 1 through 50,  
inclusive,

Defendants.

CASE NO.

**COMPLAINT FOR DAMAGES FOR  
DEFAMATION AND SLANDER OF  
TITLE**

SC 046731

PLAINTIFFS WAYNE FISHBACK and CAROL FISHBACK present themselves before this  
Court and allege as follows:

**The Parties**

1. Plaintiffs WAYNE FISHBACK and CAROL FISHBACK are individuals (hereinafter  
collectively "Plaintiffs"), with rights to certain land situated within the unincorporated portion of  
Ventura County, to the east of Simi Valley.

2. Defendants TODD DOHERTY, JIM DANTONA, JOHN DANTONA, NANCY  
BREWER, ROBERT MIONSKI, and JAN MILLER are individuals.

1           3.     The true names or capacities, whether individual, corporate, associate or otherwise,  
2 of defendants Doe 1 through Doe 50 are unknown to Plaintiff who therefore sues them by such  
3 fictitious names. Plaintiff will seek leave of this court to amend this Complaint to show their true  
4 names and capacities when the same have been ascertained. Plaintiff is informed and believes  
5 and, based on such information and belief, alleges that each defendant named herein as a Doe is  
6 responsible for each and every obligation hereinafter set forth.

7           4.     Plaintiff is informed and believes and, based on such information and belief,  
8 alleges that each defendant named in this Complaint was at all times herein mentioned, and now is  
9 the agent and employee of each of the other defendants herein, and was at all such times acting  
10 within the course and scope of such agency and employment.

11           5.     In 2000, Plaintiffs began to acquire real property in the Simi Hills. Eventually,  
12 Plaintiffs obtained title to approximately 20 acres, and control of another 100 acres through a  
13 purchase agreement. The land runs parallel to and on the northwest side of the North American  
14 Cutoff for approximately one mile by one thousand feet. Plaintiffs used the land for agricultural  
15 purposes, with some cattle but primarily for horse ranching. Hereinafter, this land will be referred  
16 to as the "Ranch."

17           6.     Plaintiffs worked the Ranch through the winter of 2004-2005, when there were very  
18 heavy rains. After examining the area alone and with experts, Plaintiffs decided to undertake a  
19 grading operation beginning in March of 2005. Plaintiffs employed a civil engineering firm to  
20 complete the work necessary to insure that the grading met all applicable state and local laws. In  
21 furtherance of this work, Plaintiffs allowed the deposit of clean fill on the Ranch, which consisted  
22 of dirt, fully cured concrete, stucco, and brick. This clean fill was used in the erosion control  
23 work, and was put into place only after advice and counsel from two civil engineering firms. At  
24 the height of the erosion control work, no more than thirty (30) trucks per day would deliver clean  
25 fill to the Ranch; at no time did Plaintiffs accept payment from anyone for the deposit of clean fill  
26 on the Ranch. At no time was anything other than clean fill accepted at the Ranch. Each load of  
fill was examined by Ranch personnel to insure that it did not contain any materials that did not fit

1 the definition of clean fill.

2 7. Wayne Fishback personally appeared at Ventura County offices in January of 2005,  
3 and asked if he needed any permits to undertake the grading work for purposes of repairing the  
4 landslides and erosion. He was informed by Jim Meyers of the Public Works Department that no  
5 permits were necessary because the work was agricultural in nature and for the type of grading  
6 being contemplated, no permits were required. Fishback returned to the County a number of  
7 times, to review his work with County employees, including Ray Gutierrez at the Grading  
8 Department and Jim Meyers at Public Works. He also contacted the Resource Conservation  
9 Department ("RCD") which told him his activities were either exempt as routine agricultural  
10 grading, or fell within the County's Hillside Erosion Control Ordinance (also known as "HECO").

11 8. RCD asked Fishback to stay in contact with them, in order to insure that his  
12 continuing activities did not violate the County's HECO. Fishback continued to provide updates  
13 to RCD, and was told on more than one occasion that his work fell under the agricultural  
14 exemptions.

15 9. Throughout this period, Fishback remained in contact with various County agencies,  
16 including Public Works. Between January of 2005, when Fishback first went to the County  
17 inquiring about permits, and January of 2006, numerous state and County officials had visited the  
18 Ranch. Game Warden Lieutenant Chris Long spent five hours on the Ranch and informed  
19 Fishback that there were no violations of the Fish & Game Code. Fishback also spoke with  
20 officials at the Regional Water Quality Control Board, who did two inspections. Keith Mashburn  
21 of Supervisor Judy Mickels' office toured the site numerous times. Fishback also spoke with  
22 Pandee Leachman at the Ventura County Environmental and Energy Resources Division, who told  
23 Fishback that the County is actively encouraging agricultural operations to utilize the type of clean  
24 fill for erosion control, specifically because it keeps such materials out of County landfills. None  
25 of the official agencies contacted by Plaintiff between January of 2005 and January of 2006  
26 informed Plaintiffs that they were acting in violation of law, except for Jim Meyers who issued a  
violation for alleged grading improprieties in May of 2005, but later rescinded the notice in

1 August of 2005 after a meeting with Fishback, Fishback's civil engineer, and Ray Gutierrez.

2 10. Thus, as of January of 2006, after almost a year of erosion control work, supported  
3 by engineering from a registered civil engineering firm, no County or state agency was claiming  
4 Plaintiffs were involved in any illegal or improper activity at the Ranch.

5 11. Plaintiffs became aware of the activities of Defendant TODD DOHERTY in  
6 approximately May of 2005. Doherty was circulating emails concerning the Ranch and claiming  
7 that Plaintiffs were doing environmental damage. Doherty informed numerous other persons that  
8 the Ranch was necessary for a wildlife corridor between Sage Ranch (public lands near the  
9 Fishback Ranch) and the Santa Susana Mountains. Doherty complained that Wayne Fishback was  
10 a "Chicago architect," not a rancher, with an intention to subdivide the Ranch and build numerous  
11 homes, and that preventing any subdivision of the Ranch should be a priority for local  
12 environmentalists. Doherty's apparent intent in making these claims was to show that the  
13 agricultural use of the Ranch was a ruse, to circumvent grading regulations in order to prepare the  
14 land for subdivision.

15 12. Doherty's activities and comments concerning Plaintiffs and the Ranch became  
16 more obvious in late 2005 and early 2006, when he began to disseminate information concerning  
17 Plaintiffs' erosion control work to public agencies in Ventura County and at the state level,  
18 claiming that Plaintiffs were operating an illegal dump, that they were destroying the fragile  
19 environment of the Simi Hills, that they were allowing the dumping of 150 trucks per day of  
20 garbage, that they had deposited a half-million cubic yards of fill in the canyons on the Ranch, and  
21 that they had been paid millions of dollars by truckers for the dumping. Further, Doherty  
22 represented to others that Plaintiffs had "stolen" land from Irma Murray, an elderly woman. Much  
23 of the public agency interest in the Ranch during 2005/2006 appears to have been generated by  
24 Doherty, personally, as he complained to anyone who would listen to him. Doherty also started  
25 calling Plaintiffs' neighbors and adjoining landowners, including Mark Joncich and Robert  
26 Mionski, claiming that Plaintiffs were acting illegally in the conduct of the erosion control work,  
and that Fishback's agricultural activities were a sham.

1           13.     In December of 2005, the Ventura County Environmental Health Department  
2 (hereinafter "EHD") began inquiring about the "solid waste" being deposited onto the Ranch.  
3 This inquiry appears to have been motivated by Doherty's phone calls and letters. On February  
4 22, 2006, William Stratton, Richard Hauge and Diane Hall of the Environmental Health  
5 Department toured the Ranch, accompanied by Kitty Oliver and Bill Marciniak of the California  
6 Integrated Waste Management Board, and Keith Mashburn of Supervisor Judy Mickels' office.  
7 As a result of that site visit, Stratton of EHD wrote Plaintiffs a letter, claiming Plaintiffs may be  
8 operating a solid waste disposal facility at the Ranch, and asking for more information.

9           14.     Plaintiffs responded on March 17, 2006, providing citations to state codes and  
10 regulations, and local ordinances, and informing EHD that until the situation could be straightened  
11 out, no further fill would be accepted for the erosion control work unless it was free of concrete,  
12 rubble, stucco and brick; i.e., only dirt would be accepted on the Ranch. Specifically, Plaintiffs  
13 informed EHD of the provisions in the California Code of Regulations that exempted erosion  
14 control work of the type conducted on the Ranch, as well as the RCD determination that the  
15 Plaintiffs' work was allowed under HECO.

16           15.     EHD responded April 4, 2006, refusing to acknowledge the citations and other  
17 information provided by Plaintiffs in their March letter, and also claiming that a solid waste permit  
18 was required. EHD refused to acknowledge that Plaintiffs had obtained verbal clearance to  
19 complete the erosion control work from RCD, the Environmental and Energy Resources Division,  
20 Public Works, Fish & Game, and other agencies. On May 12, 2006, EHD has issued a "Cease and  
21 Desist" order, which is being challenged by Plaintiffs in the appropriate forum.

22           16.     Between March of 2006 and the present, Doherty contacted Defendants JIM  
23 DANTONA and JOHN DANTONA about Plaintiffs' activities at the Ranch. Plaintiffs are  
24 informed and believe and based thereon allege that Doherty was attempting to use JIM  
25 DANTONA as a weapon against Plaintiffs, because Jim Dantona was and is running for  
26 Supervisor against Judy Mickels. Plaintiffs are further informed and believe and based thereon  
allege that Doherty has been taking his actions with the hope of devaluing the Ranch so that it

1 could be purchased for open space by the Santa Monica Mountains Conservancy, Santa Susana  
2 Mountains Park Association, or another agency at a greatly reduced price. On the other hand, the  
3 Dantonas wanted to use the allegations of an "illegal dump" being operated in the Simi Hills as a  
4 ruse, to dupe the voters into believing that Supervisor Mickels was acting behind the scenes to  
5 circumvent regulatory efforts to stop Plaintiffs' "illegal" activities, and thus was derelict in her  
6 duties as a Supervisor. Jim Dantona actually used the Fishbacks' name at a campaign rally on  
7 June 3, 2006, again claiming that the Fishbacks were operating an illegal dump, and that Mickels  
8 was somehow supportive of the Fishbacks' illegal activities. This would be used to gain an  
9 advantage for Dantona in the June 6, 2006 election.

10 17. As a result of hearing from Doherty that Plaintiffs were operating an "illegal dump"  
11 in the Simi Hills, with 150 trucks per day dumping every sort of trash and garbage on the Ranch,  
12 and the Plaintiffs receiving up to \$50.00 per truckload as compensation, Defendants Dantona  
13 prepared flyers and campaign materials and began to spread these lies and misinformation about  
14 the Plaintiffs to the public, with a reckless disregard for the truth of the allegations. At no time did  
15 the Dantonas contact Plaintiffs to determine the truth of the allegations, and instead prepared  
16 written information for dissemination to the general public claiming that the Plaintiffs were acting  
17 illegally and unethically.

18 18. Other persons spread the same lies and misinformation, including Defendants  
19 ROBERT MIONSKI, NANCY BREWER and JAN MILLER. Each of the named Defendants  
20 acted with knowledge of the falsehood of the allegations, or with a reckless disregard for the truth.

## 21 **FIRST CAUSE OF ACTION**

### 22 **(For Defamation Against All Defendants)**

23 19. Plaintiffs reallege and incorporate herein by reference all allegations contained in  
24 Paragraphs 1 through 18, inclusive.

25 20. Each of the named Defendants has affirmatively acted to spread lies and  
26 misinformation about the Plaintiffs, by stating that Plaintiffs were acting illegally and unethically,  
as noted above.

1           21. The actions attributed to Plaintiffs were false in that: (a) Plaintiffs are not and have  
2 not operated an illegal dump nor have they conducted any illegal activity; (b) Plaintiffs have  
3 communicated with the County and state at every appropriate and reasonable opportunity, in order  
4 to insure that their activities were proper under state and local laws and regulations; (c) Plaintiffs  
5 never encouraged nor allowed 150 trucks per day to come to the Ranch, and in fact the highest  
6 level of truck traffic was approximately 30 trucks per day; (d) Plaintiffs never allowed the  
7 dumping of trash, garbage or hazardous materials, but instead accepted only clean fill, as allowed  
8 by law; (e) Plaintiffs never accepted payment for any of the clean fill brought to the Ranch; (f) the  
9 approximate amount of clean fill on the Ranch is 25,000 cubic yards, not a half million cubic  
10 yards; (g) Plaintiffs never "stole" land from Irma Murray, nor did they ever have any dealings with  
11 Irma Murray; (h) Plaintiffs have not "destroyed" the environment, and in fact have acted  
12 reasonably and in good faith to prevent erosion, have constructed sediment basins and energy  
13 dissipator drainage channels to prevent siltation and run-off, and have taken every precaution to  
14 insure protection of the environment.

15           22. The emails sent by Doherty and others, the flyers and signs prepared by the  
16 Dantonas and others, and the oral utterances by all named Defendants were in fact false.

17           23. Certain of the statements made by the Defendants were false and slanderous *per se*  
18 because the statements attacked the reputation, honesty, integrity, credibility and professional  
19 reputation of the Plaintiffs, thereby imputing to Plaintiffs a lack of character that has damaged  
20 them in the community, and that has damaged their ability to do business with the state and local  
21 agencies charged with regulating their activities on the Ranch.

22           24. As a direct and proximate result of Defendants' false, libelous and slanderous  
23 statements, Plaintiffs have suffered general damages to their reputation and their business.  
24 Plaintiffs have also been damaged in that Plaintiffs have suffered emotional distress, pain and  
25 suffering, as well as damage to their reputation, credibility and business, and pecuniary loss in a  
26 sum not less than one million dollars. Plaintiffs will seek leave of the Court to amend this  
Complaint to allow the insertion of the actual amount of damages when the same becomes known

1 to Plaintiffs.

2 25. As a further direct and proximate result of the Defendants' false, libelous and  
3 slanderous statements, Plaintiffs ability to market and sell their property has been damaged, and  
4 the stigma of having a purported "illegal dump" on the Ranch has and will lower the value of the  
5 property for years to come. The damage to the value of the property is estimated at not less than  
6 two million dollars. Plaintiffs will seek leave of the Court to amend this Complaint to allow the  
7 insertion of the actual amount of damages when the same becomes known to Plaintiffs.

8 26. The above-described statements by each of the Defendants were disseminated with  
9 fraud, malice and ulterior motives on the part of the Defendants; by way of example, Doherty  
10 wanted to damage Plaintiffs' ability to use their property in order to manipulate the price of the  
11 Ranch so that it could be purchased at a lower price, and the Dantonas wanted to use Plaintiffs'  
12 Ranch as a pawn in the political campaign against Judy Mickels to gain an advantage in the  
13 election. Mionski wanted to improve the value of his property by trying to shut down any truck  
14 traffic through the area. As a result of the wrongful acts of the Defendants, and each of them,  
15 Plaintiffs are entitled to an award of exemplary and punitive damages in an amount to be  
16 determined at time of trial.

## 17 **SECOND CAUSE OF ACTION**

### 18 **(Slander of Title Against All Defendants)**

19 27. Plaintiffs reallege and incorporate herein by reference all the allegations of  
20 Paragraphs 1 through 26, inclusive, of this Complaint.

21 28. As of 2000, Plaintiffs were the owners in fee of title to certain real property in the  
22 Simi Hills, as described above.

23 29. Beginning in early 2005 and continuing to the present date, Defendants, and each of  
24 them, willfully, wrongfully, without justification and without privilege, published statements  
25 concerning the real property, which was false; i.e., that the property was the site of an unpermitted,  
26 illegal dumpsite. These statements were made in a very public and notorious fashion, and the

1 stigma attached to such statements in connection with the real property has and will continue to  
2 affect the marketability of the property well into the future.

3 30. As a direct and proximate result of Defendants' publications of the false statements  
4 concerning the property have directly impaired the vendibility of the property in the open market  
5 in an amount estimated at not less than two million dollars. Plaintiffs will seek leave of the Court  
6 to amend this Complaint to allow the insertion of the actual amount of damages when the same  
7 becomes known to Plaintiffs.

8 31. The above-described statements by each of the Defendants were disseminated with  
9 fraud, malice and ulterior motives on the part of the Defendants; by way of example, Doherty  
10 wanted to damage Plaintiffs' ability to use their property in order to manipulate the price of the  
11 Ranch so that it could be purchased at a lower price, and the Dantonas wanted to use Plaintiffs'  
12 Ranch as a pawn in the political campaign against Judy Mickels to gain an advantage in the  
13 election. Mionski wanted to improve the value of his property by trying to shut down any truck  
14 traffic through the area. As a result of the wrongful acts of the Defendants, and each of them,  
15 Plaintiffs are entitled to an award of exemplary and punitive damages in an amount to be  
16 determined at time of trial.

17 **WHEREFORE, Plaintiffs pray for relief as follows:**

18 **FOR THE FIRST CAUSE OF ACTION:**

19 (1) For monetary damages in an amount not less than one million dollars;

20 (2) For monetary damages to the value of real property in an amount not less than two  
21 million dollars;

22 (3) For exemplary and punitive damages according to proof;

23 **FOR THE SECOND CAUSE OF ACTION:**

24 (4) For monetary damages to the value of real property in an amount not less than two  
25 million dollars;

1 FOR ALL CAUSES OF ACTION:

2 (5) For an order awarding Plaintiffs their costs in this proceeding; and

3 (6) For such other and further relief as the Court deems just and proper.

4  
5 DATED: May <sup>10</sup>2, 2006

6   
7 KATE M. NEISWENDER  
8 Attorney for Plaintiffs  
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# Section 6

February 2, 2006

Wayne Fishback  
2049 Century Park East  
Los Angeles, CA 90067

**SUMMARY OF MEETING TO DISCUSS SOLID WASTE DISPOSAL ON THE  
PROPERTY LOCATED ALONG THE ROAD KNOWN AS "THE NORTH  
AMERICAN CUT OFF" OWNED OR CONTROLLED BY MR. WAYNE FISHBACK**

Thank you for meeting with us on Tuesday, January 31, 2006, to discuss the issue of solid waste disposal on your property. For the record, the attendees of the meeting were yourself, Phil Sherman, your consulting engineer, Diane Hall and Richard Hauge, of my staff, and me. As we discussed, the Environmental Health Division (EHD) as the Local Enforcement Agency (LEA) received a complaint alleging that illegal dumping of solid waste is taking place on your property. The purpose of our meeting was to discuss the disposal of solid waste on your property and the State and local regulations that address this activity.

During the meeting, you provided a description of your on-going acceptance and handling of solid waste, more specifically, what you described as concrete, dirt, stucco, and other similar materials. You also stated that you have been diligent in the control of this waste stream so that unacceptable materials have not entered your property. You further commented that incoming trucks hauling solid waste to your property are monitored to ensure that only specific types of solid waste are delivered. We discussed State and local regulations with respect to solid waste disposal and the various subcategories of solid waste and solid waste disposal set forth in California Code of Regulations, Title 14, Article 5.95, Section 17387, et seq.

I understand, based on your statements at the meeting, that you will be writing to EHD with your understanding of the regulations and your opinion as to where the solid waste disposal activities on your property fall within the regulatory framework and that we should receive the letter by the end of this week.

While I look forward to your letter, I want to make it very clear so there is no confusion or misunderstanding that EHD has the authority and responsibility to, and will, make all

decisions and/or determinations as to how State and local regulations apply to solid waste disposal sites, activities, operations, and facilities in Ventura County. Our decisions and determinations will be based upon our on-site observations and may also include:

- ▶ the review of any and all available documentation you can provide to support your comments that only specific types of solid wastes were received and disposed;
- ▶ review of available truck monitoring/inspection records;
- ▶ discussions with waste haulers; and,
- ▶ information from other regulatory agencies.

Based on your description of the disposal activities taking place on your property and our review of aerial photographs that support your description of these disposal activities, our preliminary determination is that you are operating or are allowing the operation of a solid waste disposal site on property that you own or control. The level of regulatory oversight for the disposal of solid waste on your property is unknown at this time. Therefore, to make a final determination concerning this oversight and to ensure that public health and the environment are fully protected from the potential adverse impacts associated with solid waste disposal on this property, EHD must have access to your property to conduct a full investigation.

In the meeting, you indicated your willingness to work with us in a cooperative manner to resolve these issues, and in this spirit of cooperation I encourage you to call me within the next week, to schedule a date and time during the following week when we can meet with you or your representative(s) at the property to conduct an inspection.

I look forward to your call and subsequent meeting on-site of your property to further discuss your solid waste disposal site. Should you have any questions with respect to any of the above, please call me at 805/654-2821 or Diane Hall at 805/654-2433.



WILLIAM C. STRATTON, MANAGER  
TECHNICAL SERVICES SECTION  
ENVIRONMENTAL HEALTH DIVISION

c: Keith Mashburn, Supervisor Mikels' Office  
Marty Robinson, RMA  
Robert Gallagher, EHD  
Richard Hauge, EHD  
Chris Stephens, Ventura County RMA/Planning Division  
Dale Dean, Ventura County Resource Conservation District  
Kathleen Oliver, CIWMB  
Rod Nelson, LARWQCB

# Section 7

February 15, 2006

William C. Stratton, Manager  
Technical Services Section  
Environmental Health Division  
800 South Victoria Avenue  
Ventura, CA 93009

Dear Mr. Stratton:

I received a fax of your letter from Dale Dean on 2-13-06. I had not previously seen the letter due to the error in address. For your records my address is 3106 Calusa Avenue, Simi Valley, CA 93063.

I appreciated your acknowledgement in the letter of my willingness to work with the County in a cooperative manner to resolve certain issues. I was advised in a meeting with Suzanne Hambelton of CIWMB on 2-2-06 that these issues are the result of a complaint sent to Governor Schwarzenegger. The complaint alleged I was dumping waste on my property.

During our meeting I was not aware of this complaint. My understanding was that there were some general complaints from Box Canyon area to Sage Ranch but nothing specific to me. As my engineer and I explained in the meeting I have regularly informed various agencies of my activities and have inquired as to any regulations that may be applicable to my work. My most recent investigation was prompted by my engineer several months ago as it relates to the use of source separated inert materials in the repair of landslides, mudflows and slope stabilization. These materials are identified in relatively new regulations under Title 14, Division 7, Chapter 3, Article 5.9 and Article 5.95 that became effective on 2-24-04 and enforced by CIWMB and the LEA. You advised, prior to these regs, inert materials were unregulated. This is important to note since several areas of my property including the main access road to my property are constructed with inert fill material.

The purpose of our meeting on 1-31-06 was to discuss the EHD's interpretation of regulations that might apply to my use of inert material. From my perspective we accomplished very little in this

regard. Virtually all of my engineer's and my questions got this response. "We don't know until we inspect what you are doing". This standard response prompted my engineer and me to describe the work being done. In particular we reviewed a NRCS publication that explained methods of slope stabilization and erosion control both prior to and after landslides, mudflows and land subsidence. We also referenced the regs we thought might be applicable and EHD's enforcement of those regs as we understood it from public records of other projects.

His  
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y position  
an say me!

Your letter exemplifies the importance of our respective interpretations of the regulations and if there is disagreement, we try to reconcile those differences. I must say I was surprised at your 17 references to "**solid waste**" and 15 references to "**disposal**" or illegal dumping. While these well defined terms may have been referenced in the meeting as materials and activities I am not involved in, the primary discussion had to do with engineered construction work that made use of recycled inert materials. Your letter which states ... "you provided a description of your on-going acceptance and handling of **solid waste**"... and "Based on your description of the **disposal** activities..." is simply inaccurate. Based on my understanding of the regs and my use of inerts in construction work I would never describe these activities as the "**disposal**" of "**solid waste**".

Due to my trip to Sacramento to meet with various SWRCB and CIWMB staff and learning of a formal complaint against me, my written interpretation of the regs has been slightly delayed. Given the current circumstances I need for my engineer and attorney to review the document before I issue it.

However I would like to preview the major issues addressed in this document.

1. The primary purpose of the CIWMB is to oversee the handling of solid waste that preserves the public's health and safety and protects the state's environment.
2. There are many materials that if recycled, reused or transformed pose no threat to the public's health and safety or degrades the environment.

3. In recent years the primary mission of the CIWMB has shifted from **waste management to resource management.**

4. The shift to resource management is symbolized by the slogan "Zero Waste California" and is supported both statewide and locally by Cal Max and VC Max resource exchanges along with numerous promotional publications and technical reports.

5. Recent regulations have been written to recognize the importance of diverting materials from entering the waste stream and thus distinguish those materials by definition from solid waste. Additionally there are materials and activities that are referenced that the regulations don't apply to or are excluded activities. In fact there are still things that the public can do that are simply unregulated.

Regards,

Wayne Fishback

# Section 8

RESOURCE MANAGEMENT AGENCY  
**county of ventura**

Environmental Health Division  
Robert Gallagher  
Director

March 14, 2006

Wayne Fishback  
3106 Calusa Ave.  
Simi Valley, CA 93063

**SITE VISIT TO PROPERTY OWNED OR CONTROLLED BY WAYNE  
FISHBACK LOCATED IN VENTURA COUNTY IN THE AREA GENERALLY  
REFERRED TO AS THE NORTH AMERICAN CUTOFF ROAD**

Thank you for coordinating the site visit to your property on Wednesday, February 22, 2006. The Environmental Health Division's (EHD) interest in your project and the purpose of our visit was twofold. The first was to conduct an inspection of your property in response to a complaint we received alleging the illegal disposal of trash and other material. The second was to observe the on-going landfilling project, and more specifically, the types of materials that have been accepted and the various locations where these materials were deposited.

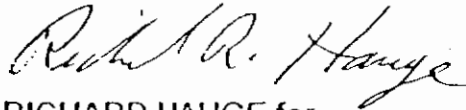
At your request, representatives from the California Integrated Waste Management Board, Ventura County Environmental Health Division (Local Enforcement Agency), Supervisor Judy Mikels, as well as your representatives were in attendance. A list of attendees (Enclosure 1) is attached.

During our visit, we discussed the deposition of solid waste/land fill operation taking place on property owned or controlled by you; the types of material accepted; and the types of records/documentation in your possession that indicate/verify the types and quantities of material that were/are accepted. You agreed to submit to EHD copies of the following documents, as well as an unedited copy of the video (with audio) taken by your representative during the entire site visit. EHD will use this information to determine the applicability of state and local solid waste statutes, regulations, and ordinance with respect to the solid waste disposal/ landfill operation on your property:

- Engineering reports of relevant project activities
- Results of geologic borings
- Names of the haulers/hauling companies
- Identification of the types and amounts of solid waste/landfill material delivered to your property for the project
- Dates as to when the project(s) at the various sites commenced and the proposed completion date

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We look forward to receipt of this information and your continued cooperation in this matter. I have attached copies of the photographs taken by EHD staff during the site visit. Should you have any questions with respect to any of the above, or require additional information, please contact Diane Hall of my staff at 805/654-2433.



RICHARD HAUGE for

WILLIAM C. STRATTON, MANAGER  
TECHNICAL SERVICES SECTION  
ENVIRONMENTAL HEALTH DIVISION

Enclosures

- c: Keith Mashburn, Supervisor Mikels' Office(w/o Enclosures)  
Marty Robinson, RMA (w/o Enclosures)  
Kathleen Oliver, CIWMB (w/o Enclosures)  
Robert Gallagher, EHD (w/o Enclosures)  
Richard Hauge, EHD (w/o Enclosures)  
Diane Hall, EHD (w/o Enclosures) ✓

**ATTENDANCE DURING SITE VISIT  
WAYNE FISHBACK PROPERTY**

**FEBRUARY 22, 2006**

Wayne Fishback  
Mrs. Fishback  
Kate Neiswender  
Phil Sherman  
Larry Troxel  
Videographer/photographer  
Keith Mashburn (Supervisor Mikels' Office)  
William C. Stratton (EHD, LEA)  
Richard Hauge (EHD, LEA)  
Diane Hall (EHD, LEA)  
Kitty Oliver (CIWMB)  
Bill Marciniak (CIWMB)

# Section 9

KATE M. NEISWENDER

Legal • Consulting  
Post Office Box 24617  
Ventura, California 93002  
voice: 805.649.5575  
fax: 805.649.8188  
e-mail: kmn@inreach.com

March 17, 2006

William Stratton  
Technical Services Section  
Environmental Health Division  
800 So. Victoria Ave.  
Ventura, California 93009

***By eMail and U.S. Mail***

Re: Wayne Fishback

Dear Mr. Stratton:

I am emailing this letter to you, containing a written explanation of Mr. Fishback's position in response to your February 13, 2006, letter and your February 22, 2006 site visit. The supporting documentation referenced herein will be coming to you via U.S. Mail.

Initially, I want to note that – until we get this resolved – Mr. Fishback has decided not to use any concrete in his erosion control operations. Instead, the haulers will bring their loads to the site, where the concrete and other inert materials will be culled out and stockpiled on the third site you inspected last month. As we told you in February, work on the second site was completed some time ago. Only erosion work on the first site of your inspection will continue, and that work will continue only with clean fill until we resolve this.

Before I respond to the specific questions posed in your February 13, 2006 letter, I want to note that under Article 5.9 of the regulations (14 CCR §17380 *et seq*), Mr. Fishback activities should be exempt from regulation. We would refer you to §17380(g), which exempts from regulation the use of construction and demolition materials (such as swimming pool and similar demolition materials delivered to the Fishback site), as long as those materials are incorporated into new construction. The Fishback erosion control activities are "construction" under that Article and therefore use of the demolition materials are fully exempt. You are also referred to §17402.5(c)(8), which also seems to apply to the Fishback erosion control work, and by its plain language would appear to exempt Fishback's work from regulation.

We would ask that you either agree with this position, or tell us why the Fishback activities are not exempt. As we explained to you during your site visit, Mr. Fishback has gone to various County offices for two years, and has repeatedly been told that his activities do not require a permit. It was only recently, in December of 2005, that Diane Hall of the Environmental Health Department questioned that conclusion. If the County contends that the

William Stratton  
March 17, 2006  
Page Two

Fishback activities are not exempt from regulation, please tell us which ordinance, statute or regulation does apply, and explain why the plain language of the regulations does not apply.

When Mr. Fishback talked with County personnel, including personnel at RCD which monitors the HECO ordinance, the only ordinance said to apply to his activities was VC 4258. A close reading of that ordinance shows that it does not have application to the Fishback erosion control work. Further, VC 4258 was written two years prior to the new regulations on inert debris, and specifically 14 CCR §17380. Therefore, even if VC 4259 would have applied to the Fishback operation, state regulations have usurped that area of the law, and VC 4258 cannot be used to essentially repeal a state regulation. It is well-settled that when the state has decided to occupy an area through regulation, local entities cannot re-write such laws or regulations.

With that being said, I turn to your letter of February 13, 2006.

Your first area of concern was to request documentation that only "specific types" of "solid waste" was received at the Simi Hills location and disposed of there. We repeat what we told you at the site: there is no "solid waste" at the Fishback ranch, only construction and demolition material, which is excluded from the definition of solid waste through your own department's ordinances. Regardless, we are providing to you statements from each of the truckers that has delivered to the site, stating under penalty of perjury that only clean dirt, concrete, brick and stucco has been delivered to the Fishback site. We did not include phone numbers for each of these companies, but such numbers are available upon request. In addition, we are providing you samples of the delivery tickets from one of the many truckers, so that you can see the type of records that are maintained.

We are also providing you with a year's worth of Mr. Fishback's own hand-writing inspection notes, wherein he personally examined the types of materials coming into the ranch for use in the erosion control projects.

Your second and third requests involved communications with the truckers and truck monitoring and inspection records. I believe that is covered by our response to your first concern.

Your last request asked for communications with regulatory agencies. We attach a list of all the persons and entities we have contacted. I would ask that you pay particular attention to the activities of the Ventura County Environmental and Energy Resources Division. Mr. Fishback spoke several times with Pandee Leachman, who told him that the County is actively encouraging agricultural operations to utilize construction and demolition materials in erosion control and levee construction. It is very difficult to understand how Ms. Leachman's department can promote the use of exactly this type of material while Environmental Health is trying to discourage Mr. Fishback's activities. We specifically ask that you speak with Ms.

William Stratton  
March 17, 2006  
Page Three

Leachman to determine whether Fishback's erosion control work fits within her department's approved activities.

In summary, Mr. Fishback has diligently worked for more than two years to insure the County was informed of his erosion control work and his use of swimming pool and similar demolition material. He tried to establish regulatory oversight, and reviewed all the statutes, ordinances and regulations that might apply to his operations. He met with state and local personnel.

At your request, he participated in a lengthy site visit, and is now providing you with back-up data for all of his representations. In his opinion, he believes his activities are exempt and/or excluded from regulation. We ask only one thing: if you disagree with this conclusion, please explain why, and be specific as to the statutes, regulations or ordinances upon which you rely. For example, if you do not think his operation is exempt under §17380(g), explain why the language of that statute does not apply.

Finally, Mr. Fishback provided a copy of the DVD from the site visit to Keith Mashburn, at his request. Mr. Mashburn said he would make sure your department received a copy.

Thank you for your courtesy. We look forward to your reply.

Sincerely,



Kate M. Neiswender

Regulatory Agencies and Contacts Fishback Consulted with  
Regarding Pasture Development and Slope Stabilization

V.C. Resource Management Agency - Tom Berg  
V.C. Planning - Todd Collart  
V.C. Development and Inspection Services/Grading –  
    Jim Myers, Ray Guterriez  
California Fish and Game – Chris Long  
State Water Resource Control Board  
    Jeff Barnickol, Bruce Fujimoto, Joe Mello  
Regional Water Quality Control Board L.A.  
    Rod Nelso, Enrique Casas, E. Solomon  
California Integrated Waste Management Board  
    Chris Peck, Suzanne Hambleton, Kitty Oliver, Bill Marciniak  
V.C. Environmental Health Division  
    Shari Holloway, Diane Hall, Richard Hauge, Bill Stratton,  
    Public Counter Representative  
V.C. Environmental and Energy Resources Division  
    Pandee Leachman, Peter Kaiser, Shelly Sussman,  
    Martha Symes, David Goldstein  
V.C. Watershed Protection District  
    Scott Holder  
Army Corp of Engineers – Antal Szijj  
U.S. Fish and Wildlife Service – Chris Dellith  
V.C. Resource Conservation District/HECO  
    Dale Dean, Mike Simmons, Steve Jewett, Brian Trushinski  
Natural Resource Conservation Service  
    Samar Lodice, Casey Burns  
V.C. Division of Building and Safety – Jim Macdonald  
V.C. Supervisor Office  
    Judy Mikels, Keith Mashburn  
V.C. Fire Department/Road Maintenance  
    Larry Williams

Note: Correspondence can be provided upon request

3-23-05

Budget

Driver Ramiro

Loose when in concrete.

Rebar removed by driver and  
hauled away. Moved to  
keep concrete clean from loose  
debris. Approximate quantity  
75-100 pounds

4-3-05

Frank's Hauling

Driver Alfonso

Some plant material in dirt  
Plant material removed and  
hauled away. Driver moved  
to keep foreign material out of  
dirt. Approximate quantity 15 C.F.

Budget 4-4-05

Driver Galvino

Rebar and asphalt in concrete  
and brick laid. Load was  
spread and asphalt removed  
to asphalt pile. Driver moved.

4-6-05

Hoy Trucking  
Driver Larry

Loose when in concrete. Rebar  
removed by driver after load  
was spread. Material handled  
away. Larry wanted to keep  
concrete clean. 200 pounds of rebar  
removed

4-23-05

Roth H Roll off  
Driver Andy

Asphalt mixed with concrete.  
Load was spread and asphalt  
removed from pile and placed  
with asphalt pile. Driver wanted  
to bring only clean concrete.

4-26-05

Source unknown

Pile of concrete spread. Loose  
rebar found in pile. Rebar  
removed and placed in dumpster.

4-30-05

Budget

Driver Gabino

Loose rebar and asphalt mixed with conc. Rebar pulled out by driver and hauled away. Asphalt removed and placed in asphalt pile. Gabino warned for third time. Every future occurrence will result in a \$100.00 fine. Craig Bradley advised of this. Advise other truckers of this policy.

5-3-05

Frank's

Driver Alfonso

Dirt and Concrete load. loose rebar and small amount of organic material. Rebar weighed 50# ±. Driver removed and hauled away. Call Frank and warn of \$100.00 in future. Warn new truck companies of fine for any waste materials other than clean inerts.

5.30.05  
JG Grading  
Driver Lupe

Small amount of organic material.  
Lupe removed of 100<sup>th</sup> fine  
Organic material removed and  
hauled away.

5.33.05  
B.C. Roll Off  
Driver

Some loose rebar with clean  
conc. New Truck. Washed  
of 1/100<sup>th</sup> fine. Rebar removed  
and hauled away. Weight 100<sup>lb</sup>+

6.4.05  
Source Unknown

Pile of mixed dirt and conc.  
spread. 75<sup>lb</sup> of loose rebar  
removed and placed in  
dumpster. Also several pieces  
of plastic irrigation pipe.

7-8-05

J & L Excavation

Driver Joe

Load of dirt contained small amount of organic. New trucker offered to remove and place on burn pile. Wanted of \$100.00 fine in future.

7-26-05

J & L Hauling

Driver Noc

Asphalt mixed in with concrete. Driver wanted of \$100.00 fine in future. Asphalt removed and placed in asphalt pile.

8-4-05

D & S Shavings

Dirt with some organic material New trucker. Wanted of \$100.00 fine in future. Organic material removed to burn pile.

8-11-05  
A & B Trucking  
Driver Javier

Load of concrete with 50#1  
loose rebar. Call Andy and  
advise of 100# fine. Loose  
rebar removed and hauled  
away.

9-13-05  
Gordon Hwy Trucking  
Driver Gordon

Asphalt mixed in with dirt  
Wanted 100# in future.  
We removed asphalt and placed  
in asphalt pile.

9-20-05  
Budget  
Driver Gabino

Organic material in dirt.  
Call Craig and collect 100#  
fine. Organic material  
removed and placed on burn pile.

10-11-05

APR Trucking

Royce

Loose when mixed in with clean  
concrete. Truckers just started.  
Grave warning of \$1000.  
156# of when removed from  
conc and placed in dumpster

11-1-05

J45 Trucking

Sharon

Large face stringer & north in  
left lane. Drive warning  
of 1000 fine. 1st time  
removed and placed in  
rum pile.

11-3-05

Bridgeport

Driver Galano

Loose when in with clean concrete  
Cable being around 1000  
fine. Galano is loaded from  
site for me week. Removed relative to log after

12-10-05

Source Unknown

Spread piles. Removed 200#  
of rebar. Material placed  
in dumpster.

1-16-06

Legaspi Trucking  
Carlos

Asphalt mixed in with concrete.  
Asphalt removed to asphalt pile.  
Driver warned of \$1000 fine.  
Call Beto and advise of 1000 fine.

1-26-06

Source unknown

Spread piles. Remove some  
asphalt to asphalt pile.

Mar-10-2006 10:05am From-MILLWOOD EXEC SUITES

8183811416

T-138 P.001/001 P-644

March 7, 2006

**Statement of Facts****RE: Materials Delivered to**

Property owned by Wayne Fishback  
at North American Cutoff, Ventura County, CA

1. Truck volume is 10 yards
2. Materials delivered are:
  - Clean Concrete
  - Clean Dirt
  - Clean Cast Concrete Products
  - Clean Cast Clay Products
  - Clean Stucco
  - Mixtures of the above clean materials
3. The above materials removed from the waste stream are commonly referred to as "source separated", "separated for reuse", "salvaged", "recycled" and defined by the California Integrated Waste Management Board.
4. Hauling agreements are based on materials as described in items #2 and #3.
5. Truck drivers inspect loads during loading or pick up to verify clean materials.
6. When material is unloaded any inadvertent material not described in items #2 and #3 are removed, reloaded and hauled off site immediately. Materials not conforming with the types identified in item #2 and #3 have never exceeded 1% of the load.
7. To the best of my knowledge the materials delivered to Fishback are as described in items #2, #3 and #6.

The undersigned declare under penalty of perjury that the above information is true and correct.

Hauler: JG Grading

Owner: Jose Perez

Truck Driver:

Cayetano Valenzuela

Ricardo Muñoz

Salvador Carrillo


Steve Perez

Santiago Lopez

 sig. Date 3/13/06

 sig. Date 3/14/06

 sig. Date 3/14/06

 sig. Date 3/15/06

 sig. Date 3/14/06

 sig. Date 3/15/06

March 7, 2006



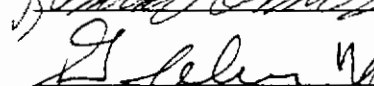
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RE: Materials Delivered to

Property owned by Wayne Fishback  
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The undersigned declare under penalty of perjury that the above information is true and correct.

Hauler:	Budget		
Owner:	Craig Bradley		sig. Date 3-10-06
Truck Driver:	Romiro Olmos		sig. Date 3/10/06
	Gabino Monzo		sig. Date 3-14-06

March 7, 2006

## Statement of Facts

RE: Materials Delivered to

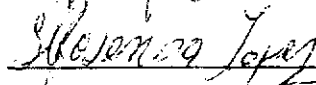
Property owned by Wayne Fishback  
at North American Cutoff, Ventura County, CA

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2. Materials delivered are:
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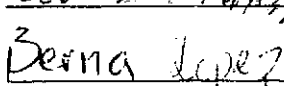
Hauler: Legaspi Trucking

Owner: Umberto Legaspi  sig. Date 3/11/06

Truck Driver: Alfonso Lopez  sig. Date 3/12/06

Manuel Rodriguez  sig. Date 3-12-06

Carlos Martinez  sig. Date 3-12-06

Berna Lopez  sig. Date 3-12-06

March 7, 2006

## Statement of Facts

RE: Materials Delivered to

Property owned by Wayne Fishback  
at North American Cutoff, Ventura County, CA


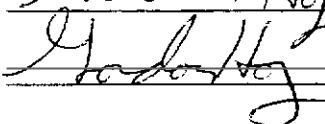
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7. To the best of my knowledge the materials delivered to Fishback are as described in items #2, #3 and #6.

The undersigned declare under penalty of perjury that the above information is true and correct.

Hauler:                   Hoy Trucking

Owner:                   Gordon Hoy

Truck Driver:       Gordon Hoy

 sig. Date 3-11-06  
 sig. Date 3-11-06

March 7, 2006

## Statement of Facts

RE: Materials Delivered to

Property owned by Wayne Fishback  
at North American Cutoff, Ventura County, CA

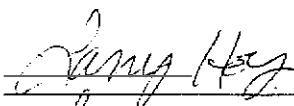
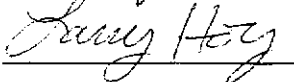
1. Truck volume is 10 yards
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  - Clean Dirt
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3. The above materials removed from the waste stream are commonly referred to as "source separated", "separated for reuse", "salvaged", "recycled" and defined by the California Integrated Waste Management Board.
4. Hauling agreements are based on materials as described in items #2 and #3.
5. Truck drivers inspect loads during loading or pick up to verify clean materials.
6. When material is unloaded any inadvertent material not described in items #2 and #3 are removed, reloaded and hauled off site immediately. Materials not conforming with the types identified in item #2 and #3 have never exceeded 1% of the load.
7. To the best of my knowledge the materials delivered to Fishback are as described in items #2, #3 and #6.

The undersigned declare under penalty of perjury that the above information is true and correct.

Hauler: Hoy Trucking

Owner: Larry Hoy

Truck Driver: Larry Hoy

 sig. Date 3-11-2006  
 sig. Date 3-11-2006

March 9, 2006

Materiales Descargados  
Propiedad de Wayne Fishback  
En North American Cutoff, Ventura County, CA

1. La carga de cada camion es de 10 yardas
2. Materiales permitidos para descargar:
  - Concreto Limpio
  - Tierra Limpia
  - Productos Fabricados con Concreto Limpio
  - Productos Fabricados con Estuco Limpio
  - Mescla de Materiales Arriba Descritos
3. Estos materiales son removidos de waste stream, son comunmente referidos a las yardas para "separarlos", "revisarlos" y "reciclarlos" definidos asi por California Integrated Waste Management Board.
4. Los contratos de remover los materiales estan basados en los parrafos (2) y (3).
5. Los choferes inspeccionan que el material este limpio cuando los cargan o cuando levantan las cargas.
6. Cuando el material es discharged y no esta como dice parrafo (2) y (3) , este es removido , recargado y enviado de regreso inmediatamente.  
Materiales que no esten conformes a los parrafos (2) y (3) , nunca han excedido 1% de las cargas.
7. Para mi mejor conocimiento los materiales llevados para Fishback son como los describen los parrafos (2) y (3).

Firmo abajo y declaro bajo pena de perjurio que la information de arriba es cierta y correcta.

Compania GLADIATOR TRUCKING INC Fecha 3-9-06  
Dueno RENE O. DURANT Fecha \_\_\_\_\_  
Chofer Rene O. Durant Fecha \_\_\_\_\_

March 10, 2006

## Statement of Facts

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The undersigned declare under penalty of perjury that the above information is true and correct.

Hauler: J. J. G.

Owner: Gerardo Perez Gerardo Perez sig. Date 3/10/06

Truck Driver: Gerardo Perez Gerardo Perez sig. Date 3/10/06

Fernando Perez Fernando Perez sig. Date 3/11/06

Guadalupe Soto Guadalupe Soto sig. Date 3/11/06

Alberto Soto Jose Alberto Soto sig. Date 3/13/06

March 10, 2006

## Statement of Facts

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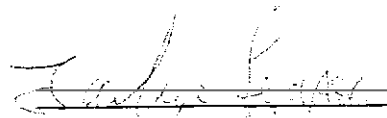

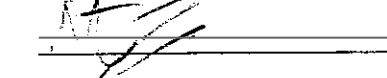
The undersigned declare under penalty of perjury that the above information is true and correct.

Hauler: J.S.

Owner: Javier Legaspi

Truck Driver: Javier Legaspi

Steve Legaspi

 sig. Date 3/10/06  
 sig. Date 3/10/06  
 sig. Date 3/10/06

March 10, 2006

### Statement of Facts

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The undersigned declare under penalty of perjury that the above information is true and correct.

Hauler: A.R.

Owner: \_\_\_\_\_ sig. Date \_\_\_\_\_

Rafael Olivas Rafael Olivas sig. Date 03/10/06

Truck Driver: Rafael Olivas Rafael Olivas sig. Date 03/10/06

\_\_\_\_\_ sig. Date \_\_\_\_\_

March 10, 2006

## Statement of Facts

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The undersigned declare under penalty of perjury that the above information is true and correct.

Hauler: D.S.

Owner: Luis Carrizosa

Luis Carrizosa sig. Date 3-11-06

Truck Driver: Javier Miranda

Javier Miranda sig. Date 3-11-06

March 10, 2006

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Hauler: Jesus Perez Trucking

Owner: JESUS PEREZ [Signature] sig. Date 03/10/06

Truck Driver: Ricardo Mayora [Signature] sig. Date 03/10/06

\_\_\_\_\_ sig. Date \_\_\_\_\_

March 7 2006

Statement of Facts

RE: Materials Delivered to

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The undersigned declare under penalty of perjury that the above information is true and correct.

Hauler:

U & L Hauling & Disposal Inc.

Owner:

Joan Lopez sig. Date 3/9/06

Truck Driver:

Gildardo Romero sig. Date 3/9/06

Arbey Guillen sig. Date 3/9/06

Jose Lopez Date 3/9/06

Joe Lopez Date 3/9/06

March 7, 2006

## Statement of Facts

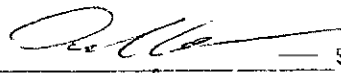
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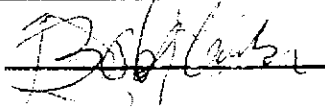
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The undersigned declare under penalty of perjury that the above information is true and correct.

Hauler: RJL Rent-n-Bin Service

Owner: Daniel Chambers  sig. Date 3/10/06

Truck Driver: Bob Gibbs  sig. Date 3/10/06

\_\_\_\_\_ sig. Date \_\_\_\_\_

March 7, 2006

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Hauler: Frank's Hauling

Owner: Premjir Singh

Truck Driver: Alfonso Linares

Julio Chucon

 sig. Date 3-15-06

 sig. Date 3-15-06

 sig. Date 3-10-06



Date: 11-15-05  
Company: JG GRADING & EXC.  
No. of Loads: 1 Load CONCRETE  
Signature of Driver Schneider Camillo  
No hazard waste in this load

Date: 11-15-05 #4  
Company: J.G. Grading & Exc.  
No. of Loads: 1 PRT  
\*Signature of Driver PAVE  
\*No hazard waste in this load

3467 EXE

11-5-05

LOAD

DIRT

CONCRETE

FERNANDO  
PEREZ

# J G Grading

DATE: 10/11/05

1 Load of: (☒) DIRT or (☐) CONCRETE

\*Driver: LUPE

\*No trash or hazardous waste

# J G Grading

DATE: 10/11/05

1 Load of: (☒) DIRT or (☐) CONCRETE

\*Driver: LUPE

\*No trash or hazardous waste

id of dirt  
from  
J.G. grading  
10-12-05

10-12-05

Load of  
Dirt

JG grading

JG GRADING

Load of  
Dirt  
10-12-05

JG Grading

1 Load of Dirt

10-13-05

JG Grading

1 Load of Dirt

10-13-05

loads  
concrete

JG grading

JG  
Grading

3 loads  
Dirt

loads  
concrete

JG  
Grading

1 load concrete  
JG grading

(77) 400-0422

1 load concrete

JG Grading

(77) 400-0422

JG

GRADING

ONE LOAD  
DIRT

1 load concrete  
JG grading  
(77) 400-0422

JG  
Grading

1 load Dirt

(77) 400-0422

1 load of  
concrete

FROM 197

J4G  
11-4-05

1 LOAD

DIRT  
&

CONCRETE  
MIX

LUPE

PETREZ

11-14-05

1 Load DIRT

Salvador Corrallo

JG GRADING

J4G  
11-4-05

1 LOAD

DIRT  
&

CONCRETE  
MIX

FERNANDO  
~ PEREZ  
J4G EXC.

11-5-05

1 LOAD

CONC

DIRT

FERNANDO  
PEREZ

Date: 11-15-05 #4

Company: J.G. Grading - # EXC

No. of Loads: 1 DIRT

11-04-05

JG GRADING

1 Load CONCRETE

Salvador Corrallo

J4G EXC

1 LOAD

DIRT

&  
CONCRETE

11-5-05  
FERNANDO  
PEREZ

J4G EXC.

1 LOAD

DIRT

11-5-05

FERNANDO  
PEREZ

## J G Grading

DATE: 11/19/06

1 LOAD of: (☒) DIRT or (\_\_\_) CONCRETE

\*Driver: LUPRE

\*No trash or hazardous waste

JG  
Grading

1 load 11/19/06

Concrete

## J G Grading

DATE: 11/19/06

1 LOAD of: (☒) DIRT or (\_\_\_) CONCRETE

\*Driver: LUPRE

\*No trash or hazardous waste

## J G Grading

DATE: 01/14/06

1 LOAD of: (☒) DIRT or (\_\_\_) CONCRETE

Driver: RAFAEL  
No trash or hazardous waste

## J G Grading

DATE: 01/15/06

1 LOAD of: (☒) DIRT or (\_\_\_) CONCRETE

Driver: RAFAEL  
No trash or hazardous waste

## J G Grading

DATE: 1-25-06

LOAD of: (\_\_\_) DIRT or (☒) CONCRETE

Driver: Steve  
No trash or hazardous waste

## J G Grading

DATE: 1-26-06

1 LOAD of: (\_\_\_) DIRT or (☒) CONCRETE

\*Driver: Steve  
\*No trash or hazardous waste

## J G Grading

DATE: 1-27-06

1 LOAD of: (\_\_\_) DIRT or (☒) CONCRETE

Driver: Steve

## J G Grading

DATE: 01/15/06

1 LOAD of: (☒) DIRT or (\_\_\_) CONCRETE

\*Driver: RAFAEL  
\*No trash or hazardous waste

## J G Grading

DATE: 01-17-06

1 LOAD of: (\_\_\_) DIRT or (☒) CONCRETE

\*Driver: Schuler Camillo  
\*No trash or hazardous waste

## J G Grading

DATE: 1-26-06

1 LOAD of: (\_\_\_) DIRT or (☒) CONCRETE

\*Driver: Steve  
\*No trash or hazardous waste

## J G Grading

DATE: 1-26-06

1 LOAD of: (\_\_\_) DIRT or (☒) CONCRETE

\*Driver: Steve  
\*No trash or hazardous waste

## J G Grading

DATE: 01-28-06

1 LOAD of: (☒) DIRT or (\_\_\_) CONCRETE

Driver: Steve

JG  
Grading  
& EXC.  
Richard.  
2/14/06

JG GRADING & EXC.  
02-14-06  
1 Load Dirt  
Salvador Carrillo

JG GRADING  
& EXC  
Richard.  
1 Load  
Dirt  
2/14/06

JG GRADING & EXC.  
02-14-06  
1 Load Dirt  
Salvador Carrillo

JG Grading  
& EXC  
Richard.  
2/14/06  
1 Load  
Dirt

JG GRADING & EXC.

02-13-06

1 Load DIRT

Salvador Carrillo

JG GRADING & EXC.

02-13-06

1 Load CONCRETE

Salvador Carrillo

JG Grading  
& EXC

Richard

2/13/06

1 Load of  
Dirt

JG - GRADING  
ONE LOAD OF DIRT  
2/13/06

LUPE

JG Grading  
& EXC

1 Load of  
Dirt

Richard

2/13/06

JG Grading  
1 Load of Dirt

Richard

2/13/06

### J G Grading

DATE: 2/14/06 NO. of YDS. 1 load

(☒) DIRT (☐) CONCRETE (☐) BRICK/BLOCK (☐) TOP SOIL

\*Driver: Lupe Fill Location: \_\_\_\_\_

\*No trash or hazardous waste

### J G Grading

DATE: 2/13/06

1 LOAD of: (☒) DIRT or (☐) CONCRETE

\*Driver: LUPE

\*No trash or hazardous waste

### J G Grading

DATE: 2/14/06 NO. of YDS. 1 load

(☒) DIRT (☐) CONCRETE (☐) BRICK/BLOCK (☐) TOP SOIL

\*Driver: Lupe Fill Location: \_\_\_\_\_

\*No trash or hazardous waste

### J G Grading

DATE: 2/14/06

1 LOAD of: (☐) DIRT or (☒) CONCRETE

\*Driver: LUPE

\*No trash or hazardous waste

2/14/06

JG Grading

JG GRADING & EXC.  
2-14-06

202

JG Grading

DATE: 2/14/06 NO. of YDS. 1 load

☐ DIRT ☐ CONCRETE ☐ BRICK/BLOCK ☐ TOP SOIL

\*Driver: Lupe Fill Location: \_\_\_\_\_  
\*No trash or hazardous waste

Da

Company: JG GRADING

No. of Loads: CONCRETE

\*Signature of Driver LUPE

\*No hazard waste in this load

JG GRADING & EXC.  
02-13-06

4 Load Dirt

Salvador Carrillo

JG Grading

DATE: 2/14/06 NO. of YDS. 8

☐ DIRT ☐ CONCRETE ☐ BRICK/BLOCK ☐ TOP SOIL

\*Driver: Lupe Fill Location: \_\_\_\_\_  
\*No trash or hazardous waste

JG Grading  
& EXC

Richard

2/14/06

1 load off  
Dirt

JG GRADING

02-14-06

1 Load Dirt  
CHAUA

1 load

Dirt

JG  
grading

Steve

2-14-06

J.G. Grading

1 LOAD. DIRT.  
2-14-06

JG GRADING & EXC.

02-13-06

1 Load Dirt

Salvador Carrillo

J.G. GRADING

1 load Dirt

JG Grading

1 load

DIRE LOADOR DIRT

Steve

2-14-06

n.t

203

# J G Grading

DATE: 2-8-06

1 LOAD of: (X) DIRT or (\_\_\_) CONCRETE

\*Driver: Steve

\*No trash or hazardous waste

G J GRADING

1 LOAD DIRT.

01/08/06

RAFAEL

02-09-06  
JG GRADING & EXC.

1 Load DIRT

Salvador Carrillo

# J G Grading

DATE: 02-08-06

1 LOAD of: (\_\_\_) DIRT or (X) CONCRETE

\*Driver: Salvador Carrillo

\*No trash or hazardous waste

JG Grading JG GRADING & EXC. 1 Load  
Richard. 02-10-06 Concrete  
1 Load of DIRT JG  
2/9/06 Salvador Carrillo JG  
Grading

JG GRADING & EXC.

02-10-06

1 Load DIRT

Salvador Carrillo

# J G Grading

DATE: 2-10-06

1 LOAD of: (X) DIRT or (\_\_\_) CONCRETE

\*Driver: Steve

\*No trash or hazardous waste

J. G. Grading

1 LOAD DIRT & GRASS

02/11/06

J. G. Grading

1 LOAD CONCRETE

02/11/06

G J GRADING

1 LOAD DIRT.

02/12/06 RAFAEL

204

Richard  
JG Grading  
& EXC  
CONCRETE  
2/3/06

2-3-06  
JG  
Grading  
1 Load  
concrete

02-03-06  
JG GRADING & EXC  
1 Load CONCRETE  
Salvador Carrillo

JG  
Grading  
Richard  
2/4/06  
1 Load  
concrete

Fave  
Richard  
JG Grading  
1 Load of  
concrete  
2/4/06

JG Grading  
& EXC  
Richard  
1 Load of  
concrete  
2/5/06

JG  
Grading & EXC  
Richard  
1 Load of  
concrete  
2/6/06

Richard  
JG Grading  
1 Load of  
concrete  
2/6/06

JG GRADING  
ONE LOAD OF  
CONCRETE  
2/7/06  
LUPR

JG Grading  
1 Load of  
concrete  
Richard  
2/7/06

JG GRADING & EXC  
02-07-06  
1 Load DIRT  
Salvador Carrillo

### J G Grading

DATE: 2-1-06

1 LOAD of: (    ) DIRT or ( X ) CONCRETE

\*Driver: Exc

\*No trash or hazardous waste

JG GRADING  
ONE LOAD  
CONCRETE  
LUPE 2/2/06

JG GRADING & EXC

02-02-06

1 Load DIRT

Salvador Carrillo

### J G Grading

DATE: 2/2/06

1 LOAD of: (    ) DIRT or ( X ) CONCRETE

\*Driver: LUPE

\*No trash or hazardous waste

### J G Grading

DATE: 02-03-06

1 LOAD of: (    ) DIRT or ( X ) CONCRETE

JG Grading  
& EXC

1 Load of  
concrete

2/1/06

Richard

JG Grading

1 Load of

concrete

2/2/06

JG  
Grading

1  
Concrete

4/2/06

### J G Grading

DATE: 2/2/06

1 LOAD of: (    ) DIRT or ( X ) CONCRETE

\*Driver: LUPE

\*No trash or hazardous waste

### J G Grading

DATE: 2-3-06

1 LOAD of: (    ) DIRT or ( X ) CONCRETE

\*Driver: J.G. Grading

\*No trash or hazardous waste

### J G Grading

DATE: 2-3-06

1 LOAD of: (    ) DIRT or ( X ) CONCRETE

206

### J G Grading

DATE: 1-5-6

1 LOAD of: (☒) DIRT or (☐) CONCRETE

\*Driver: MAVE - J.G. Grading.

\*No trash or hazardous waste

2 Load from  
Supe ~~5~~ J.G. Grading.  
01-05-06 10:35  
Dirt.

### J G Grading

DATE: 1-5-06

1 LOAD of: (☐) DIRT or (☒) CONCRETE

\*Driver: Steve

\*No trash or hazardous waste

### J G Grading

DATE: 01/05/06

1 LOAD of: (☒) DIRT or (☐) CONCRETE

\*Driver: RAFAEL

\*No trash or hazardous waste

### J G Grading

DATE: 1-5-6

1 LOAD of: (☒) DIRT or (☐) CONCRETE

\*Driver: MAVE - J.G. Grading.

\*No trash or hazardous waste

### J G Grading

DATE: 1-5-06

1 LOAD of: (☐) DIRT or (☒) CONCRETE  
Grass

\*Driver: Steve

\*No trash or hazardous waste

### J G Grading

DATE: 01/05/06

1 LOAD of: (☐) DIRT or (☒) CONCRETE

\*Driver: RAFAEL

\*No trash or hazardous waste

### J G Grading

DATE: 1-7-06

1 LOAD of: (☒) DIRT or (☐) CONCRETE

\*Driver: CARLOS BAILLA

\*No trash or hazardous waste

U-G EXCAVATION  
(LUPE) dirt  
1-28-06

JG

③ Concrete Loads  
from Lope = J-6 grading  
(818) 4000422

PAYE

JG Grading  
& EXC

① Load of  
CONCRETE

JG Grading & EXC

① Load of CONCRETE

JG Grading  
& EXC

① Load of  
BRICK ~~PAVEMENT~~

JG Grading  
& EXC

① Load of  
CONCRETE

JG Grading.  
& Etc

① Load of  
CONCRETE  
6-18-05

#① Concrete Load  
from LUPR  
J.G. Ed.  
~~12-6-18-5~~

CHVE

JG  
Grading.

① Load of  
CONCRETE

Concrete Load  
from LUPR  
J.G. grading  
CHVE

---

LUPR  
J.G. GRADING

(818) 400-0922

ONE LOOP  
~~DIRT~~

1 load

concrete  
JG  
grading &  
excavation (LUPe)

10-24-05

JG GRADING & EXC.

1 Load CONCRETE

Salvador Carrillo

10-24-05

JG GRADING & EXC.

1 Load CONCRETE

Salvador Carrillo

JG grading  
1 Load of  
~~excavation~~ DIRT

10-24-05

JG GRADING & EXC.

1 Load CONCRETE

Salvador Carrillo

1 load  
JG concrete  
grading

1 load  
concrete  
JG grading

JG Grading.  
& ETC

① Load of  
CONCRETE  
6-18-05

#1 Concrete Load  
from LUP  
J.G. Ed.  
~~12-6-18-5~~

CHAVE

JG  
Grading.

① Load of  
CONCRETE

Concrete Load  
from LUP  
J.G. grading  
MAVE

---

LUP  
J.G. GRADING

(818) 400-0422

ONE LOOP  
~~DIET~~

~~before 7/20/05~~

~~JG Grading & ETC~~

~~1 Load of  
CONCRETE~~

~~1 Load of  
CONCRETE~~

~~before 7/20/05~~

~~JG  
grading  
& ETC~~

1 Load Dirt  
from Lupe  
(818) 4000 422  
J.G. Grading

1 Load Dirt  
from Lupe  
6.5. Grading  
(818) 4000 422

### JG Grading

DATE: 7/20/05

1 Load of: (☒) DIRT or (☐) CONCRETE

\*Driver: Lupe

\* No trash or hazardous waste

1 Load dirt  
from Lupe  
J.G. Grading  
(818) 4000 422

1 Load of concrete  
from Cope  
etc.

1 load of  
concrete  
JG grading  
excavation  
Lump  
400 = 422

1 Load of concrete  
Look  
J. G. S. 10/13

JG Grading  
LOTS OF  
CONCRETE

11-29-05

JG GRADING & EXC.

1 Load DIRT

Salvador Carrillo

JG GRADING  
ONE LOAD OF  
CONCRETE & DIRT  
10 PZ 11/29/05

5 loads DIRT  
JG grading

11-29-05

JG GRADING & EXC.

1 Load DIRT

Salvador Carrillo

Date: 11-15-05 # 1

Company: JG Grading

No. of Loads: 1 DIRT

\*Signature of Driver = [Signature]

\*No hazard waste in this load

2 loads  
DIRT  
JG  
Grading

Date: 1-16-05 #4

Company: JG grading

No. of Loads: 1 Concrete

\*Signature of Driver PAVE

\*No hazard waste in this load

JG  
GRADING

11-19-05

1 LOAD

DIRT

JG GRADING  
ONE LOAD OF  
CONCRETE  
LUPRE  
11/28/05

JG GRADING  
LUPRE

ONE LOAD  
OF DIRT

11/28/05

11-28-05

JG GRADING & EXC.

1 Load DIRT

Salcedo Carrillo

11-28-05

1 load DIRT

JG Grading

400-0422

Date: 11-28-05

Company: JG grading

No. of Loads: 1 of concrete

\*Signature of Driver PAVE

\*No hazard waste in this load

NONE

Date: 11-28-05

Company: JG GRADING & EXC.

No. of Loads: 1 Load DIRT

\*Signature of Driver Salcedo Carrillo

\*No hazard waste in this load

Date: 11-28-05

Company: JG GRADING & EXC.

No. of Loads: 1 Load DIRT

\*Signature of Driver Salcedo Carrillo

\*No hazard waste in this load

Date: 11-28-05

Company: JG GRADING & EXC.

No. of Loads: 1 Load DIRT

\*Signature of Driver Salcedo Carrillo

\*No hazard waste in this load

11-29-05

JG GRADING & EXC.

11-29-05

JG GRADING & EXC.

Date: 12-5-05

Company: JG Grading

No. of Loads: 1 of Dirt

\*Signature of Driver CAVE

\*No hazard waste in this load

12-01-05

JG GRADING & EXC.

1 Load Dirt

Salvador Carrillo

JG GRADING  
ONE LOAD OF  
DIRT & ROCKS  
WPE 12/3/05

JG GRADING & EXC.

1 Load CONCRETE

Salvador Carrillo

12-13-05

Date: 12-16-05  
Company: J.G. Grading  
No. of Loads: 1 DIRT  
\*Signature of Driver CAVE #4  
\*No hazard waste in this load

### J G Grading

DATE: 12/22/05  
1 LOAD of: (    ) DIRT or ( X ) CONCRETE  
\*Driver: Luis Montoya  
\*No trash or hazardous waste

### J G Grading

DATE: 12/23/05  
1 LOAD of: ( X ) <sup>MIXED</sup> DIRT or (    ) CONCRETE  
\*Driver: LUPR  
\*No trash or hazardous waste

Date: 12-19-05  
Company: J.G. Grading  
No. of Loads: ~~2~~ 1 DIRT  
\*Signature of Driver CAVE #4  
\*No hazard waste in this load

### J G Grading

DATE: 12/22/05  
1 LOAD of: (    ) DIRT or ( X ) CONCRETE  
\*Driver: Luis Montoya  
\*No trash or hazardous waste

Date: 12-29-05  
Company: J.G. Grading  
No. of Loads: 1 of dirt  
\*Signature of Driver CAVE #4  
\*No hazard waste in this load

# Section 10

April 4, 2006

Wayne Fishback  
3106 Calusa Ave.  
Simi Valley, CA 93063

**DETERMINATION OF REGULATORY OVERSIGHT FOR THE DISPOSAL OF  
SOLID WASTE INCLUDING INERT DEBRIS ON PROPERTY OWNED OR  
CONTROLLED BY MR. WAYNE FISHBACK LOCATED IN THE AREA KNOWN  
AS THE NORTH AMERICAN CUTOFF**

The County of Ventura Environmental Health Division (EHD) is designated as the Local Enforcement Agency (LEA) in Ventura County pursuant to the Public Resources Code (PRC), Division 30, Part 4, Chapter 2. The LEA has the authority and responsibility to make decisions and/or determinations as to how State and local regulations apply to the storage, handling, and disposal of solid waste throughout Ventura County.

On February 22, 2006, representatives from the LEA and the California Integrated Waste Management Board (CIWMB) accompanied you and your representatives on a site inspection of your property. We observed two areas where solid waste consisting of concrete and brick had been deposited and a third area that is currently receiving this material. Subsequent to our site visit, the LEA received the following information concerning the solid waste disposal activity on your property:

1. Tonnages and dates when material was delivered to the site. This information was received via email dated March 28, 2006 from Wayne Fishback.
2. Several signed documents entitled "Statement of Facts" that list, among other information, the materials delivered, the name of hauling company, and the names of truck drivers. Listed material includes "clean concrete, clean dirt, clean cast concrete products, clean cast clay products, clean stucco, and mixtures of the above clean material." This information was received by EHD via a cover letter, dated March 27, 2006, from Ms. Kate Neiswender.

3. Several examples of delivery invoices from one of the hauling companies. The invoices identify the truck driver and the type of material delivered to the property.
4. Handwritten inspection notes that identify the dates and describe the various materials delivered to the property.

Based on our observations during the site visit and our review of the information described above, the LEA determined that the activity involving the types of solid waste material received and the final deposition of this material on the subject property is classified as an Inert Debris Type A Disposal Facility pursuant to the California Code of Regulations, Title 14 (14 CCR), Section 17388.4. Inert Debris Type A Disposal Facilities shall obtain a Registration Tier Permit as set forth in 14 CCR, Section 17388.4 and shall comply with the Registration Permit requirements set forth in 14 CCR, Section 18100.

This determination is based on the following:

1. The California Public Resources Code (PRC), Division 30, Part 1, Chapter 2, Section 40191, defines demolition and construction wastes as "solid waste".
2. 14 CCR, Article 5.95, Section 17388 (k) defines inert debris as "solid waste".....
3. Type A inert debris is defined in 14 CCR, Article 5.95, Section 17388(k)(1), as "waste" that includes but is not limited to concrete (including steel reinforcing bar embedded in the concrete), plaster, brick, clay and clay products; and does not contain soluble pollutants at concentrations of water quality objectives.
4. PRC, Section 40192, defines "solid waste disposal" or "disposal" as the final deposition of solid wastes onto land, into the atmosphere, or into the waters of the State.
5. 14 CCR, Article 5.95, Section 17387, sets forth the permitting requirements, tier requirements, and minimum operating standards for operations and facilities that dispose construction and demolition (C&D) waste and inert debris.
6. The disposal of solid waste on the subject property does not qualify as an excluded inert debris engineered fill activity pursuant to 14 CCR, Article 5.95, Section 17388.2 (a)(3), nor as an inert debris engineered fill operation as set forth in 14 CCR, Article, 5.95, Section 17388.3, because the overall project exceeds/or will exceed one year; and no documentation has been provided that demonstrates that placement of the material has been designed by an engineer to act as a structural element of a

constructed work and has been placed under engineering inspection. To qualify as an "excluded inert debris engineered fill activity" or an "inert debris engineered debris fill operation", the fill activity shall meet specifications prepared and certified for a specific project by a Civil Engineer, Certified Engineering Geologist, or similar professional licensed by the State of California, and includes requirements for placement, geometry, material, compaction, and quality control [14 CCR, Article 5.95, Section 17388 (g)].

To comply with the Public Resources Code, California Code of Regulations, and the Ventura County Ordinance Code with respect to the disposal of solid waste, the following information must be submitted to the Environmental Health Division by May 1, 2006:

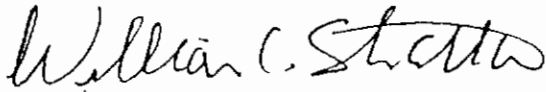
1. Completed APPLICATION FOR SOLID WASTE FACILITY PERMIT/WASTE DISCHARGE REQUIREMENTS, CIWMB Form E 83, and a deposit in the amount of \$2,000.00. The deposit will be placed in a trust account and drawn against to cover the LEA costs for processing the solid waste permit application. Money left over at the end of the review process will be refunded. The application form is enclosed.
2. Completed EHD application form for a Solid Waste Health Permit and application fee in the amount \$74.00. The application form is enclosed.
3. Provide a monthly tonnage report to the LEA by completing a Waste Receipt Questionnaire. The reporting form is due in the EHD/LEA office by the 15<sup>th</sup> of the month for the previous month's activity. The solid waste disposal activities on this property may be subject to the solid waste control fee set forth in the Ventura County Ordinance Code. A reporting form is enclosed.

If the above information is not submitted to the Environmental Health Division by the May 1, 2006, enforcement action may be initiated.

Be advised that compliance with State and local solid waste requirements does not relieve you as the owner and operator of the solid waste operation from the laws or regulations of any other County of Ventura Agency or department, including Public Works Agency Grading Section or other State agency or department.

EHD responses to issues in Ms. Kate Neiswender's March 17, 2006 letter and your March 31, 2006 email to Robert Gallagher will be addressed under a separate cover letter.

If you have any questions, please call Diane Hall at 805/654-2433. Additionally, as we discussed in our meeting on March 27, 2006, please call me at 805/654-2821 to schedule a follow up meeting if you wish to discuss our determination.



WILLIAM C. STRATTON, MANAGER  
TECHNICAL SERVICES SECTION  
ENVIRONMENTAL HEALTH DIVISION

Enclosures (3):

1. CIWMB Form E 83
2. EHD application form for a Solid Waste Health Permit and application
3. LEA Waste Receipt Questionnaire

c: Cathleen Oliver, CIWMB (w/o Enclosures) Via fax: 916/319-7426  
Chris Stephens, Ventura County RMA/Planning Division (w/o Enclosures)  
Rod Nelson, LARWQCB (w/o Enclosures)  
Keith Mashburn, Supervisor Mikels' Office (w/o Enclosures)  
Marty Robinson, RMA (w/o Enclosures)  
Robert Gallagher, EHD (w/o Enclosures)  
Melinda Talent, EHD (w/o Enclosures)  
Pat Reyes, EHD Accounts Receivable (w/o Enclosures)

**Registration Permit Application**

Facility Name: \_\_\_\_\_

Address/Location: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Facility Operator: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Address Where Process May be Served: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Land Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Address Where Process May be Served: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**Facility Information:**

Section Authorizing Eligibility: \_\_\_\_\_

Volume and Type of Waste/Materials(s) Handled: \_\_\_\_\_

Site Capacity: \_\_\_\_\_ Cubic Yards or Tons  
Peak Loading: \_\_\_\_\_ Cubic Yards or Tons /Day  
Annual Loading: \_\_\_\_\_ Cubic Yards or Tons

Days and Hours of Operation: \_\_\_\_\_

Facility Size: \_\_\_\_\_ Area  
Operating Area: \_\_\_\_\_ Area

T<sub>1</sub>  
Incoming Waste Material: \_\_\_\_\_ Vehicles Per Day  
Outgoing Waste Material: \_\_\_\_\_ Vehicles Per Day

One of the Following Statements Must be Checked:

- ☐ The facility is identified and described in or conforms with the County Solid Waste Management Plan, or otherwise complies with Public Resources Code 50000, and the facility is consistent with the city or county General Plan.
- ☐ The facility is identified in either the countywide siting element, the nondisposal facility element, or in the source reduction and recycling element for the jurisdictions in which it is located ;or that the facility is not required to be identified in any of these elements pursuant to section 50001 of the Public Resources Code.

I hereby acknowledge that I have read this application, and certify under penalty of perjury that the information provided is true and accurate. In operating the facility, I agree to comply with the conditions of the permit, and with federal, state, and local enactments.

Signature of Land Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Operator: \_\_\_\_\_ Date: \_\_\_\_\_

This application must be accompanied by a ☐ General Description ☐ Site Plan, and ☐ Location Map.

Enforcement Agency Name and Address: \_\_\_\_\_

**FOR ENFORCEMENT AGENCY USE ONLY**

Date received:  
Date approved:  
Date rejected:  
Filing Fee:  
SWIS #:

**Instructions for Completing Registration Application:**

Fill out this application form completely and accurately. After the Enforcement Agency has review[ed] the application, it will determine whether it meets the requirements of section 18104.1. If the Enforcement Agency finds that the application is complete and correct, a copy of this application and a permit will be returned to you. If the application is not found to be complete and correct it will not be accepted for filing. For additional information on the procedure used for processing this application refer to Title 14 of the California Code of Regulations, Section 181094 et. seq.

**Facility Name:** The legal name of the facility.

**Facility Address/Location:** The address of the facility and a description of the location if different.

**Facility Operator/Land Owner:** Provide both the mailing addresses and the location/address where process may be served.

**Section Authorizing Eligibility:**

You must determine the appropriate Section in Chapters 3 or 3.1 of Division 7 of Title 14 of the California Code of Regulations that authorizes eligibility. After determining the appropriate section list it on the application.

**Site Capacity:** Total capacity of material that can be stored at the site at any one time.

**Peak Loading:** Is the largest projected waste/material quantity to be received by an operation on any day of operation.

**Annual Loading:** Is the maximum amount of waste/material to be handled by an operation annually.

**Days and hours of Operation:** The days and hours that the facility is in operation.

**Facility Size:** The total acreage of the site.

**Operating area:** The total acreage that is used for all operations.

**Traffic:** State the maximum number of vehicles that will enter and haul incoming material or remove material on a daily basis.

The operator is required to supply conformance-finding information. Whichever one of the two statements above is appropriate to your operation must be checked. To help you in making this determination, you can contact the Enforcement Agency, Local Task Force, or other solid waste-planning agency in your city or county.

The application must include a site map and a location map. The site map should include, but not be limited to, operations areas and their relationships, property boundaries, adjacent land uses, proposed drainage systems, any excavation areas, and any other portions of the site dedicated to a specific use. The location map should show the general location of the operation at a scale size minimally equivalent to 1:24,000 USGS topographical quadrangle.

This application must be signed, under penalty of perjury, by both the land owner and the operator.



Ventura County Environmental Health Division  
800 S. Victoria Ave., Ventura CA 93009-1730  
TELEPHONE: 805/654-2813 or FAX: 805/654-2480  
Internet Web Site Address: [www.ventura.org/envhealth](http://www.ventura.org/envhealth)

## Application for Solid Waste Health Permit (Ventura County Ordinance Code, Section 4702-1)

### Instructions to Applicant:

1. Complete all of the information below.
2. Once this application is approved, you will be invoiced annually for this health permit. Note, as approved by the Board of Supervisors, the solid waste health permit fee for fiscal year 2004-2005 (July 1, 2004-June 30, 2005) is \$74.00.

Type of Application	Solid Waste Activity/Operation	
<input type="checkbox"/> New	<input type="checkbox"/> Disposal Facility	PE 6303
<input type="checkbox"/> Change of Information	<input type="checkbox"/> Transfer/Processing Operation/Facility	PE 6301
<input type="checkbox"/> Change of Ownership	<input type="checkbox"/> Compost Facility	PE 6314
	<input type="checkbox"/> Chipping and Grinding Facility	PE 6315
	<input type="checkbox"/> Construction & Demolition Operation/Facility	PE 6306

Business Name (DBA) \_\_\_\_\_

Business Owner \_\_\_\_\_

Site Address \_\_\_\_\_

Telephone \_\_\_\_\_

Billing Address ☐ Same as Site Address

☐ Other \_\_\_\_\_

Contact Person \_\_\_\_\_

Contact Telephone \_\_\_\_\_

I hereby certify that I am the owner or authorized representative of the above business and that all statements are true to the best of my knowledge.

Signature \_\_\_\_\_ Date \_\_\_\_\_

## VENTURA COUNTY WASTE RECEIPT QUESTIONNAIRE

For Solid Waste Operations and Facilities

Name \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

COMPLETE THE INFORMATION BELOW AND SUBMIT PRIOR TO THE 15<sup>TH</sup> OF THE FOLLOWING MONTH

1. MONTH \_\_\_\_\_
2. TOTAL TONS OF WASTE RECEIVED DURING THE MONTH  
Tons/Cubic Yards \_\_\_\_\_
3. WAS THE SOLID WASTE CONTROL TIPPING FEE PAID AT ANOTHER LOCATION?  
YES \_\_\_\_\_ Where? \_\_\_\_\_  
NO \_\_\_\_\_
4. PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_
5. I have reviewed this questionnaire and declare under penalty of perjury that the information herein is true and correct to the best of my knowledge.  
Signature \_\_\_\_\_  
Date \_\_\_\_\_

PLEASE RETURN TO: SHARI HOLLOWAY  
Ventura County  
Environmental Health Division  
800 South Victoria Avenue  
Ventura, CA 93009-1730

Office: 805/654-2859  
Fax: 805/654-2480

# Section 11



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## Waste Management of the Desert, Inc. v. Palm Springs Recycling Center, Inc. (1994) 7 Cal.4th 478, 28 Cal.Rptr.2d 461; 869 P.2d 440

[No. S029150. Mar 31, 1994.]

WASTE MANAGEMENT OF THE DESERT, INC., et al.,  
 Plaintiffs and Respondents, v. PALM SPRINGS RECYCLING  
 CENTER, INC., Defendant and Appellant.

(Superior Court of Riverside County, No. I-64239, Ross G. Tharp,  
 Judge. [fn. \\*](#))

(Opinion by Baxter, J., with Lucas, C. J., Panelli, J., [fn. \\*](#) Kennard,  
 J., and Cottle, J., [fn. †](#) concurring. Separate dissenting opinion by  
 George, J., with Mosk, J., concurring.)

## COUNSEL

Crandall & Traver, Lynn D. Crandall and Lisa A. Garvin for  
 Defendant and Appellant.

Flanigan & Flanigan, Timothy H. Flanigan, Terrance W. Flanigan,  
 Ropers, Majeski, Kohn, Bentley, Wagner & Kane, Michael J.  
 Brady, Susan S. Ellenberg, Sedgwick, Detert, Moran & Arnold,  
 Sean H. Gallagher, Livingston & Mattesich, James M. Mattesich,  
 Carol L. Livingston, Lisa L. Halko, Pillsbury, Madison & Sutro,

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Kevin M. Fong, Sharon M. Solomon, Stone & Moore and John Douglas Moore as Amici Curiae on behalf of Defendant and Appellant.

Jean Leonard Harris, J. Scott Zundel, Schlecht, Shevlin & Shoenberger and Jon A. Shoenberger for Plaintiffs and Respondents.

Hallgrimson, McNichols, McCann & Inderbitzen, Harvey E. Levine, John T. Schreiber and Claudia J. Martin as Amici Curiae on behalf of Plaintiffs and Respondents.

Shute, Mihaly & Weinberger, E. Clement Shute, Jr., Richard S. Taylor, Astor & Phillips, Z. Harry Astor and John K. Astor as Amici Curiae.

## OPINION

BAXTER, J.

The California Integrated Waste Management Act of 1989 (the Act) authorizes cities to grant exclusive franchises for solid waste handling services. (Pub. Resources Code, § 40059, subd. (a)(2).) The question is whether this authority extends so far as to prohibit the owner of recyclable materials from selling them to someone other than the exclusive franchisee. Whether the Legislature has authorized such franchises is solely a question of statutory construction.

We hold the Act does not allow an exclusive franchise for the collection of recyclables not discarded by their owner. As we shall explain, the Act [7 Cal.4th 482] authorizes exclusive franchises only for "solid waste handling." (Italics added.) An item that is sold is not discarded and thus does not become "waste" subject to an exclusive franchise.

The exclusive franchise agreement in this case between plaintiffs City of Rancho Mirage (City) and Waste Management of the Desert, Inc. (Waste Management) is therefore invalid and unenforceable to the extent the exclusive franchise purports to include recyclable materials that are not waste under the Act. The trial court erred in enjoining defendant Palm Springs Recycling Center, Inc. (Palm Springs Recycling) from collecting such recyclable materials within City limits.

## Facts

The City contracted with Waste Management for the collection and disposal of residential and commercial waste within the City limits (the Agreement). The Agreement consists of two parts, a "Refuse Collection Agreement" and a "Recycling Agreement." Under the Refuse Collection Agreement, Waste Management has

the obligation and exclusive right to collect, receive, transport, segregate, recycle, and dispose of residential and commercial refuse of the type customarily deposited by residents and businesses in collection containers or areas for pickup and disposal. The Refuse Collection Agreement does not prohibit any person from transporting that person's own refuse to a legal dump site.

The Recycling Agreement provides that Waste Management has the obligation and exclusive right to collect and remove all specified materials that are segregated and placed in separate recycling containers at the curbside on public streets or adjacent to multifamily complexes or in bins at locations designated by commercial establishments. Subject to specified limitations, Waste Management is authorized to retain the revenue from the sale of recyclable materials.

When it entered into the Agreement, the City adopted ordinance No. 8.12.010 (Ordinance), providing that "[a]ll garbage and rubbish accumulated in the city shall be collected, conveyed and disposed of by the city or by any person with whom the city has a contract for the collection, removal, and disposal of ashes, waste matter, garbage and rubbish. Except as otherwise provided in this chapter, no person, other than the city or its contract agent, shall collect, convey over any of the streets or alleys of the city, or dispose of any refuse accumulated in the city."

Under its exclusive franchise, Waste Management established a citywide recycling program for single-family residences, multifamily complexes, and commercial establishments. [7 Cal.4th 483]

In May 1991, the City and Waste Management sued Palm Springs Recycling, alleging that beginning in 1990 Palm Springs Recycling "had been sending trucks into [the City] on a regular basis to collect recyclable material from large commercial customers" in violation of the rights of the City and Waste Management under the Agreement and the Ordinance, and had refused to comply with demands made by the City that Palm Springs Recycling cease those activities. The complaint sought preliminary and permanent injunctive relief prohibiting Palm Springs Recycling from collecting recyclable materials within the City.

Palm Springs Recycling admitted it had sent trucks into the City on a regular basis to collect recyclable materials from commercial customers and had continued to solicit new customers within the City's boundaries. It denied, however, engaging in illegal activities or interfering with plaintiffs' rights under the Agreement, asserting as affirmative defenses that: (1) The City had acted in excess of its police power by enacting the Ordinance and entering into the Agreement; (2) the Agreement constituted an illegal combination in restraint of trade under Business and Professions Code section

16600 et seq.; and (3) the Ordinance and Agreement, as construed by plaintiffs, constituted an invalid taking of property in violation of the Fifth Amendment to the United States Constitution and article I, section 19 of the California Constitution.

Palm Springs Recycling also filed a cross-complaint against plaintiffs: (1) essentially reasserting the affirmative defenses set forth in the answer to the complaint; (2) seeking an order enjoining Waste Management from providing recycling services to residents of the City at less than cost and enjoining the City from enforcing the Ordinance and the Agreement as they related to recycling and the collection of recyclable materials; and (3) requesting related affirmative relief.

The City and Waste Management alleged as affirmative defenses to the cross-complaint that the Ordinance and Agreement were authorized by the Act and that the Agreement and enforcement of the Ordinance against Palm Springs Recycling were within the City's police power.

The trial court granted plaintiffs' application for a preliminary injunction. The court entered judgment for plaintiffs both on their complaint and on defendant's cross-complaint, enjoining Palm Springs Recycling from placing bins or other receptacles within the City for the purpose of collecting recyclable materials and from collecting or removing recyclable materials from within the City. (The judgment did not specifically define the term [7 Cal.4th 484] "recyclable materials," but the context makes clear the term was intended to correspond to the use of the same term in the exclusive franchise contract. Palm Springs Recycling has not suggested the recycling activities enjoined by the judgment included the recycling of materials other than those that Waste Management must recycle under the Agreement.)

The Court of Appeal reversed the judgment. The court held the Act does not authorize the City to grant an exclusive franchise for the collection and removal of "recyclable materials" that have not been placed into separate containers maintained by the City or its authorized waste collector or that otherwise are not "discarded" by the owner. The court relied on Public Resources Code section 41952's provision that "[n]othing in this chapter limits the right of any person to donate, sell, or otherwise dispose of his or her recyclable materials." The court concluded that, until the generator of recyclable materials discards them into the specified bins, the owner retains control over the materials' disposition and is free to have them collected by a recycling enterprise of the owner's choice. The court further held the City's police power, apart from the Act, did not authorize the City to restrict recycling services to the waste collection enterprise exclusively designated by the City.

*if item not discarded,  
still belongs to owner.*

### Discussion

[1a] The Act sets forth a comprehensive statewide program for solid waste management. (Pub. Resources Code, § 40000 et seq.) (All further section references are to the Public Resources Code unless otherwise noted.) No one disputes that the Act allows a local agency to award an exclusive franchise for "solid waste handling" services. (§ 40059, subd. (a)(2), *italics added*.) The question is whether property with a market value to its owner—for example, a recyclable material—is "waste" within the scope of the Act and its exclusive franchise provision. We conclude this property is not "waste" until it is discarded. This construction encompasses two concepts—value and discarding—that in this context must be considered in relation to one another.

### 1. Economic value to the owner

"The concept of market value is perhaps most clearly stated in the poetic axiom that, 'The worth of a thing, is the price it will bring.' " (Union Pacific R.R. Co. v. State Bd. of Equalization (1989) 49 Cal.3d 138, 148 [260 Cal.Rptr. 565, 776 P.2d 267], quoting 1 Bonbright, Valuation of Property (1st ed. 1937) p. 15.) If the owner of a material can sell it, perhaps for the reason that it is recyclable, it has an economic (i.e., market) value to its owner. [7 Cal.4th 485]

The Act's very title, the California Integrated Waste Management Act of 1989, and its repeated references to "solid waste," "solid waste handling," "recycling of solid wastes," and the like strongly indicate the Legislature was concerned with just what it said—**waste—and not with materials of economic value to their owner.** The Act's own definition of "solid waste" further supports the view that valuable recyclables that have not been discarded are not waste. "Solid waste" is defined as "all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, **demolition and construction wastes**, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and **other discarded solid and semisolid wastes.**" (§ 40191, subd. (a).) This definition hardly connotes the notion of valuable materials.

*must be  
"discarded"*

[2] The commonly understood meaning of "waste" is something discarded "as worthless or useless." (Amer. Heritage Dict. (1985) p. 1365, col. 1; 19 Oxford English Dict. (2d ed. 1989), p. 958, col. 1.) If the owner sells his property—that is, receives value for it—the property cannot be said to be worthless or useless in an economic sense and is thus not waste from the owner's perspective. Conversely, if the owner voluntarily disposes of the property without receiving compensation or other consideration in exchange—that is, throws it away—the obvious conclusion is that the property has no economic value to the owner. **The concept of value is in this sense related to the manner in which the property is**

disposed of.

## 2. Valuable materials not discarded

[1b] The Act's definition of waste also reflects the traditional view that waste—at least for purposes of its collection—is material that has been discarded by its owner. Section 40191, subdivision (a) defines solid waste as being several enumerated types of materials and "other discarded solid and semisolid wastes." (Italics added.) The restrictive modifier "other discarded" plainly refers to all the enumerated materials in the statute, thereby meaning that an item is not waste until it is discarded.

The Court of Appeal also relied heavily on this statutory definition of "waste" in concluding that "only discarded waste materials become solid waste subject to 'handling' " under the Act. Plaintiffs object to this approach, contending it would eviscerate the Act because owners could discard all their property-recyclable and otherwise—as they see fit and thereby render an exclusive solid waste handling franchise a nullity as a practical matter. In [7 Cal.4th 486] other words, the Court of Appeal opinion might be read to mean that a property owner could decide unilaterally with whom he will discard his waste. If three competing waste handlers (the exclusive franchisee and two others) placed their respective receptacles at the owner's curbside, he could put his waste into whichever container he chooses. Perhaps the Court of Appeal did not intend that result, but its opinion might be read as suggesting as much and, if so, we believe this result would be inconsistent with the Act's apparent intent. If, however, the concept of being discarded is properly understood, this perceived problem is easily avoided.

This returns us to the concept of value. Property that is sold for value—for example, a recyclable—is not "discarded" under any traditional understanding of the term. [3] "Discard" means "to throw away." (Amer. Heritage Dict. (2d college ed. 1982) p. 402, col. 1.) It is not synonymous with the broader term "dispose," which means "[t]o transfer or part with, as by giving or selling." (Id., at p. 407, col. 2.) A homeowner, for example, can dispose of used furniture, clothing, or automobiles by discarding them or by selling them, but either method of disposition necessarily precludes the other. If he sells the property, he cannot discard it; and if he discards it, he cannot sell it. That "discard" connotes throwing away or abandoning has been well recognized in cases dealing with waste and related issues. (American Min. Congress v. U.S. E.P.A. (D.C. Cir. 1987) 824 F.2d 1177, 1184 [263 App.D.C. 197]; Reading Co. v. City of Philadelphia (E.D. Pa. 1993) 823 F.Supp. 1218, 1236-1237; Carothers v. Capozziello (1990) 215 Conn. 82 [574 A.2d 1268, 1291]; Darling Delaware Corp. v. District of Columbia (App. D.C. 1977) 380 A.2d 596, 597; Ticonderoga Farms v. County of Loudoun (1991) 242 Va. 170 [409 S.E.2d 446, 449].)

*But what  
about reg'n  
of landfills?*

[1c] The Court of Appeal opinion did not reflect the distinction between selling and discarding. Perhaps an example will illustrate. Assume that, as in this case, there is an exclusive franchise. A property owner throws his recyclables into the receptacle provided by the franchisee and does so without receiving compensation. He has plainly discarded his property, and it is thus waste under the Act. Could he instead throw the property into the bin of a competing waste hauler without receiving compensation? No, because by disposing of the property without receiving compensation, he has discarded the property and thereby rendered it waste that is subject to the exclusive franchise. If, however, he is paid for the material by the franchisee's competitor, the owner has sold the property and thus has not discarded it, so it has not become waste.

An especially relevant example of the distinction between selling and discarding is found in *Darling Delaware Corp. v. District of Columbia*, [7 Cal.4th 487] *supra*, 380 A.2d 596, in which a company that purchased and transported meat fat and bones from grocery stores and markets and then sold them for processing into other products, e.g., tallow, soup, and margarine, was charged with hauling solid waste without a license. The question was whether the materials were waste. As in the present case, the statute defined waste as being "discarded materials." The court relied on the traditional meaning of "discard." "It 'indicates dispensing with, letting go of, getting rid of as not immediately useful.'" (*Id.*, at p. 597, quoting Webster's Third New Internat. Dict. (1971).) The court then concluded, "At no point in the chain of purchase and sale of these animal by-products were they ever discarded. The record reflects that they were either sold by grocery stores directly to a few retail customers or frozen for sale to large buyers such as appellant. Appellant promptly transported them to plants in New York where they were resold for processing into other useful products. Since these materials were never thrown away as not immediately useful, they cannot be said to have constituted waste ...." (*Id.*, at p. 598, *fn. omitted.*) The same analysis obtains in this case. If an owner segregates recyclable or otherwise useful materials and sells them, he has not discarded them and they do not become waste.

The view that all items enumerated in section 40191, subdivision (a) are waste, regardless of their value and whether they have been discarded, is further called into question by many of the types of items enumerated. For example, the statute refers to "paper." This can refer to all paper, however, only if the term is taken out of context and without consideration of value or the statute's stated limitation that it applies only to discarded materials. A piece of elaborate origami, a collector's autograph collection, or a watercolor painting are each indisputably paper, but we doubt anyone would seriously contend such an item is waste and that its owner cannot keep it or sell it as he sees fit. The obvious, intuitive, and correct response to the contention would be that the property has value and that the owner has not discarded the property if he

sells it. That is, the property has not become waste.

[4] The tension between plaintiffs and the Court of Appeal can be eliminated by relying on the distinction between selling and discarding. The Court of Appeal was correct that property does not become waste under the Act until discarded, but incorrect in suggesting (perhaps inadvertently) that the owner can discard the property as he sees fit. Discarding is governed by the Act. Selling and other methods of disposition by which the owner receives or donates the value of the recyclable materials are not discarding and are not subject to the Act. The fundamental purpose of the Act is to reduce the amount of material entering into the waste stream. The buying [7 Cal.4th 488] and selling of materials in the marketplace is inapposite to that purpose because those materials remain in circulation and do not enter into the waste stream.

[1d] The proper rule is this: If the owner of property disposes of it for compensation-in common parlance, sells it-it is not waste because it has not been discarded. The owner is not required under the Act to transfer this property to the exclusive franchisee. But, consistent with the purpose of the Act, an owner cannot discard property as he sees fit. Discarding the property renders the property waste and subjects it to the Act.

### 3. The owner's right to sell recyclables

[5] If one accepts the general proposition that an owner has a right to sell his property for value, the question then becomes whether a different rule should apply to a particular type of property-property defined as recyclable materials in the Recycling Agreement between the City and Waste Management. Under plaintiffs' view, a special rule should apply to recyclables in light of the statutory definitions of solid waste handling and recycling. We read these provisions differently.

"Solid waste handling" is defined as "the collection, transportation, storage, transfer, or processing of solid wastes." (§ 40195, italics added.) "Processing" is, in turn, defined as "the reduction, separation, recovery, conversion, or recycling of solid waste." (§ 40172, italics added.) Put simply, solid waste handling includes recycling-of solid waste. If, as explained above, the owner does not discard his property, it does not become waste in the first instance. Thus, even if the property might be viewed as a feasibly recyclable material, it is not necessarily a recyclable waste. The distinction is significant because only the recycling of waste is included within the Act's definition of solid waste handling and, in turn, the provision allowing exclusive franchises.

Plaintiffs also point to section 40180's definition of "recycling" as "the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning to the economic mainstream in the form of raw

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material for new, reused, or reconstituted products ...." (Italics added.) Perhaps plaintiffs are relying primarily on the word "material" and concluding that all recyclable materials are subject to an exclusive franchise even if they do not become waste. If so, we disagree. Section 40180's reference to materials is merely an acknowledgment of the reality that, as a technological matter, materials are capable of being recycled. The provisions, however, that define solid waste handling [7 Cal.4th 489] refer only to "recycling of solid waste," not to the recycling of solid materials. (§§ 40172 & 40195, italics added.) If the statutes were worded otherwise, the mere fact that something is capable of being recycled would render it subject to an exclusive franchise, thereby prohibiting the owner from selling it.

Moreover, section 40180 is itself consistent with the view that only waste is subject to the Act. The section refers to "materials that would otherwise become solid waste." (§ 40180, italics added.) If an owner discards property, it enters into the waste stream if not recycled. But, if a material is sold, it is not a material "that would otherwise become solid waste." As explained above, it becomes waste only when discarded. Thus, if an owner sells an item, it does not enter the solid waste stream, the reduction of which is the fundamental purpose of the Act.

[1e] The injunction in this case is directed at a commercial recycling activity, but the logic of plaintiffs' view would extend inexorably to noncommercial activity as well, for example, a school newspaper drive, a youth group's gathering of empty soda pop containers, or clothing donations to the Salvation Army. (Indeed, even gifts from one individual to another would be suspect, for example, a person who gives scrap metal to a sculptor of welded art.) The items collected in such activities are often recyclable materials. Nothing, however, in the language or legislative history of the Act suggests the Legislature intended to eliminate gifts to charity or gifts between friends. As with items that are sold, gifts cannot be fairly said to have entered the solid waste stream. Moreover, a gift of valuable property, like a sale of such property, is a transfer of value and thus cannot properly be characterized as "discarding" under the Act.

In short, if the owner of recyclable materials discards them into the solid waste stream, they become solid waste subject to the Act, and an exclusive franchisee would have the right to collect that waste in accordance with its franchise agreement. If, however, the owner disposes of the recyclables for compensation-in common parlance, sells them-the recyclables are not discarded and do not become waste.

We therefore hold that the owner of undiscarded recyclables is not required to transfer them to the holder of an exclusive franchise under the Act. The Recycling Agreement between plaintiffs City and Waste Management is unenforceable under the Act to the extent the franchise purports to include recyclable materials that

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} ?

have not become "waste," as we have construed the term. [7 Cal.4th 490]

Plaintiffs contend Palm Springs Recycling is seeking "to skim the cream of the recycling business" by collecting only the more commercially valuable materials and that a comprehensive recycling program cannot be economically sustainable absent an exclusive franchise that includes recyclable materials. This misses the mark in two respects. First, it suggests that Palm Springs Recycling is somehow taking something of value from Waste Management. Not so. The "cream" belongs to the owner of the recyclable material. Second, the contention is better addressed to the Legislature. Our holding is based on the Act as it is written, not on a different, perhaps broader, version that could have been, or still may be, enacted.

Finally, we address plaintiffs' additional argument that the City's award of the exclusive franchise was a valid exercise of the police power. This argument is not clearly presented, but it seems to have two, perhaps three, aspects. First, the focus of the argument is the state's police power. In light of our conclusion that the Act does not support the exclusive franchise in this case, whether the state constitutionally could have framed the Act to allow the franchise is beside the point.

Second, plaintiffs also assert, albeit cryptically and only in passing, that the exclusive franchise is a valid exercise of the City's own police power. Plaintiffs seem to suggest the City properly exercised that power under the Act. The argument necessarily fails because, as we have explained, the Act does not itself authorize the franchise to extend to nondiscarded recyclables.

Third, plaintiffs also suggest the City had the police power independent of the Act to award an exclusive franchise for the collection of undiscarded recyclables. We decline to decide the correctness of the Court of Appeal's determination of that issue. (Cal. Rules of Court, rule 29.2(a).) The primary focus in this court has been the scope of the City's power under the Act. And, the question of the City's own police power raises the important issue of whether the comprehensive Act has preempted any power the City might otherwise have had.

Under our construction of the Act, we need not address Palm Springs Recycling's other arguments.

### Disposition

The judgment of the Court of Appeal is affirmed with one modification. The court directed the trial court to issue an injunction prohibiting the City from enforcing the Ordinance against Palm Springs Recycling with respect to "recyclable

materials [which] have not been turned over to City or its [7 Cal.4th 491] agent as discussed in this opinion." This was consistent with the Court of Appeal's view that the owner of recyclables can discard them as it wishes. As we have explained, our view is narrower—that, if the materials are "discarded," as we have construed the term, they are subject to the exclusive franchise.

To accommodate this difference, the judgment of the Court of Appeal is affirmed with directions to remand this matter to the trial court with directions to issue a permanent injunction and/or writ of mandate in favor of defendant Palm Springs Recycling prohibiting the City from enforcing the Ordinance either by criminal prosecution or injunctive relief against defendant for engaging within the City's boundaries in the business of collecting, receiving, transporting, segregating, recycling, and disposing of recyclable materials that are acquired for compensation by Palm Springs Recycling from commercial establishments.

Defendant shall recover its costs on appeal.

Lucas, C. J., Kennard, J., Panelli, J., fn. \* and Cottle, J., fn. † concurred.

GEORGE, J.

I respectfully dissent.

In April 1990, the City of Rancho Mirage entered into an exclusive franchise agreement with Waste Management of the Desert, Inc. (Waste Management), under which Waste Management agreed to provide specified waste disposal and recycling services to all of the city's residents and commercial entities, at regulated rates, and the city, in return, agreed to authorize only Waste Management to provide such services within the city's boundaries. Shortly thereafter, Palm Springs Recycling Center, Inc. (Palm Springs Recycling), a competing commercial recycling enterprise, began sending its trucks into the city on a regular basis to collect recyclable material from large commercial customers, in violation of Waste Management's rights under the exclusive franchise agreement. In response, the city and Waste Management sought injunctive relief from the trial court, which granted an injunction prohibiting Palm Springs Recycling from engaging in recycling services within the boundaries of the City of Rancho Mirage in violation of the exclusive franchise agreement.

The majority overturns the trial court injunction, concluding that the City of Rancho Mirage lacked authority to enter into an exclusive franchise [7 Cal.4th 492] agreement for recycling services, insofar as that agreement limited the right of competing recycling companies to purchase and collect designated recyclable materials within city limits. Although the majority acknowledges

that, under the California Integrated Waste Management Act of 1989 (the Act), the Legislature explicitly has authorized municipalities to enter into exclusive franchise agreements for "solid waste handling services," the majority concludes that the municipality's authority under this legislation does not extend to "recyclable material" that has a market value and that the owner wishes to sell to a commercial entity other than the exclusive franchisee.

As I shall explain, I believe the majority's interpretation of the relevant legislation is clearly incorrect and will frustrate, rather than further, the important purposes of the Act by excluding a significant proportion of recyclable material from its operation. A glaring omission of the majority is its failure to acknowledge the fundamental legislative policies and objectives of the 1989 legislation-the promotion of "integrated waste management"-and the various components of the Act designed to accomplish these policies and objectives. Construing the statutory scheme as a whole, I believe it is clear that the Act authorizes the exclusive franchise agreement at issue in this case, and that the trial court did not err in enjoining the commercial activities of Palm Springs Recycling that violated the agreement, including the purchase and collection of materials that in the past would have been discarded as waste, but that now have some market value because of their recycling potential.

## I

The Act comprises a comprehensive program for solid waste management throughout the state, reflecting the legislative concern that ever-increasing amounts of disposable waste, combined with diminishing waste disposal capacity, pose a threat of crisis proportion to the environment and the public health and welfare, presenting an "urgent need" for an "aggressive new integrated waste management program." (Pub. Resources Code, § 40000; see Assem. Natural Resources Com. Rep., Integrated Waste Management: Putting a Lid on Garbage Overload (1988) p. i. ["Current State solid waste management policy is becoming increasingly ineffective in managing California's solid waste and is potentially harmful to public health and the environment."] [hereafter Assembly Report].) fn. 1

Under the Act, the responsibility for solid waste management is shared by the state and local governments (§ 40001), with solid waste handling services to be provided by one or any combination of the following: the local [7 Cal.4th 493] entity itself, another local entity, or a private waste collection enterprise (§ 40058). A major component of the Act, not contained in the predecessor statutory scheme, is the substantial mandatory solid waste disposal diversion requirements imposed by section 41780. That section provides in part that cities and counties, through solid waste reduction, recycling, and composting activities, "shall divert 25 percent of all solid waste from landfill ... by January 1, 1995" and

"50 percent of all solid waste by January 1, 2000." (§ 41780, subd. (a)(1) & (2).)

To meet these waste diversion requirements, the Act requires cities to develop and implement integrated waste management plans providing for the reduction, recycling, and reuse of solid waste, to the maximum extent feasible, in an efficient and cost-effective manner. fn. 2 (§§ 40052, 40900, 41000.) Such local plan must include a "source reduction and recycling element" (§§ 40901, 41000), which in turn must incorporate a "recycling" component. (§ 41003.) The recycling component must include a recycling program and implementation schedule that demonstrate the recycling methods, in combination with the source reduction and composting components, [7 Cal.4th 494] by which the city will reduce a sufficient amount of solid waste disposed of by the city in order to comply with the diversion requirements of section 41780. (§ 41070.) Failure to submit a timely plan incorporating these components, or failure to implement the plan and meet the diversion requirements and deadlines, will subject a city to penalties of up to \$10,000 per day. (§§ 41813, 41850.)

The requirement of an integrated waste management plan corresponds to the recommendation of the Assembly Report that California waste management "be revised to place greater emphasis on a multi-faceted approach to solving the State's garbage woes" through an integrated waste management program, in which mandatory recycling measures may be incorporated into the overall solid waste planning process. (Assem. Rep., supra, at pp. i.,1-2, 53-60.)

## II

Long before the adoption of the Act, it was well established that the regulation and control of waste collection and disposal constituted a proper exercise of municipal police power reserved to state and local governments. (See *City of Camarillo v. Spadys Disposal Service* (1983) 144 Cal.App.3d 1027, 1030 [193 Cal.Rptr. 22]; *Matula v. Superior Court* (1956) 146 Cal.App.2d 93, 99-101 [303 P.2d 871]; *Davis v. Santa Ana* (1952) 108 Cal.App.2d 669 [239 P.2d 656]; see also Health & Saf. Code, former § 4250; Gov. Code, former § 66757, subd. (b).) Furthermore, for nearly a century, California courts explicitly have affirmed the authority of cities and counties, in the exercise of their police power, to control waste collection and disposal by the means deemed most effective for the public health and safety, including the granting of exclusive waste collection and disposal privileges to one or more private enterprises.

Thus, for example, in *In re Zhizhuzza* (1905) 147 Cal. 328 [81 P. 955], this court, upholding a city ordinance restricting waste collection privileges by exclusive contract, held: "Laws or ordinances enacted under the police power for the protection of the public health, reasonably adapted to that end, are not

unconstitutional because they may incidentally operate to deprive individuals of their property or its use without compensation, or interfere with their personal liberty, nor because they may give one person a monopoly of a certain business or occupation, private rights being required to yield in such case to the public good.'

" (Id., at p. 335; see *California Reduction Company v. Sanitary Works* (1905) 199 U.S. 306, 321 [50 L.Ed. 204, 211, 26 S.Ct. 100] [granting of exclusive waste disposal privileges within City and County of San Francisco was authorized by state constitutional provision for local determination of the "most appropriate method of protecting the public health in the matter of disposal of garbage, refuse and other materials found on private premises"]; *Gardner v. Michigan* (1905) 199 U.S. 325 [50 L.Ed. 212, 26 S.Ct. 106].)

The principles articulated in *In re Zhizhuzza*, supra, 147 Cal. 328, have been reiterated and affirmed repeatedly in subsequent decisions rendered through the present decade. (See *City of Camarillo v. Spadys Disposal Service*, supra, 144 Cal.App.3d at pp. 1030-1032 [decision to restrict the issuance of waste disposal permits to no more than one company "falls within the clearly articulated and affirmatively expressed policy of the state"]; *City of Santa Rosa v. Industrial Waste & Debris Box Rentals, Inc.* (1985) 168 Cal.App.3d 1132, 1135 [214 Cal.Rptr. 737]; *Universal By-Products, Inc. v. City of Modesto* (1974) 43 Cal.App.3d 145, 149, fn. 1 [117 Cal.Rptr. 525]; *Matula v. Superior Court*, supra, 146 Cal.App.2d at pp. 99-101; see also *Hybud Equipment Corp. v. City of Akron, Ohio* (6th Cir. 1981) 654 F.2d 1187, 1192 ["Courts in literally hundreds of reported cases have upheld the authority of local governments to monopolize and control local garbage collection by eliminating or restraining competition among private collectors."].)

Cities and other local entities that have opted to rely upon an exclusive franchise for all waste handling services within their local boundaries traditionally have explained such action on the ground that competition in the solid waste handling industry may impede necessary regulation and encourage cost-cutting devices that pose a threat to the public health. Such entities apparently have concluded that the designation of an exclusive waste handling enterprise is an efficacious method to ensure that all persons and businesses within a community will be served at reasonable rates, regardless of their individual circumstances, and to minimize the noise and disruption of collection. (See *City of Santa Rosa v. Industrial Waste & Debris Box Rentals, Inc.*, supra, 168 Cal.App.3d 1132, 1134-1135.)

### III

Recognizing that local entities generally are in the best position to determine the preferable means of addressing the health and safety problems posed by the handling and disposal of waste, the Act contemplates that local agencies may utilize exclusive franchises with private solid waste handling enterprises to implement the

purposes and requirements of the Act. Section 40059, subdivision (a), expressly authorizes local entities to determine all [7 Cal.4th 496] aspects of solid waste handling of local concern, including whether "solid waste handling services" are to be provided by means of exclusive franchise or contract. (§ 40059, subd. (a).)

Definitions governing the construction of section 40059, subdivision (a), are set forth in various provisions of the Act. "Solid waste handling" is defined as "the collection, transportation, storage, transfer, or processing of solid wastes." (§ 40195.) "Processing" is defined as "the reduction, separation, recovery, conversion, or recycling of solid waste." (§ 40172, *italics added.*) "Recycling" is defined as "the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products." (§ 40180.) The phrase "segregated from other waste material" is defined as including the "binding of recyclable material separately from other waste material" and the "physical separation of recyclable material from other waste material." (§ 40190, subds. (a), (b), *italics added.*)

Thus, in light of these definitions, under section 40059, subdivision (a), a city may grant exclusively to a solid waste handling enterprise the right of "collection, transportation, storage, transfer, or processing of solid wastes." Because the "processing" of solid wastes includes the "recycling of solid waste," which in turn includes "collecting ... materials that would otherwise become solid waste, ..." the Act authorizes a city to grant by exclusive franchise to a single private recycling enterprise the right to provide commercial recycling services within city limits, including the collection and removal of recyclable materials specifically identified in the franchise agreement.

The public benefits of, and municipal purposes served by, an exclusive franchise for recycling services are demonstrated by the exclusive franchise agreement in the present case between the City of Rancho Mirage and Waste Management. Under this agreement, at no additional cost to the city, Waste Management is required to collect and remove all recyclable materials (as specified and defined therein) that are segregated and placed in separate recycling containers at the curbside on public streets or adjacent to multifamily complexes, or in bins at a location designated by commercial establishments. Waste Management also is required to provide and distribute containers to all residences, and bins to all commercial establishments, and must assist homeowners in participating in the curbside recycling program. As compensation for providing recycling services at no additional cost to the [7 Cal.4th 497] city and its residents, Waste Management is authorized to retain a portion of the revenues generated from the sale of recyclable materials. *fn. 3*

The agreement further provides that Waste Management shall

develop and implement a public-awareness program to promote and inform the community of the benefits of recycling. Finally, Waste Management is required to submit (to the city) monthly reports of the total tonnage of recyclable materials recovered and sold and the market prices of such materials, as well as yearly status reports designed to facilitate an assessment of the effectiveness of all aspects of the program.

Thus, the exclusive franchise enables and requires Waste Management to provide a comprehensive recycling program throughout the city, offering recycling services to all city residents and commercial establishments, and promoting their participation in the recycling program. The exclusive franchise facilitates the city's coordination and supervision of recycling services within city limits, and provides the city with a helpful method of meeting its obligations under the Act; among other reasons, Waste Management will be motivated strongly to ensure that the city meets its waste diversion and reporting requirements under the Act, in that failure to do so likely would mean a loss of franchise rights.

The exclusive nature of the rights accorded Waste Management under the agreement provides that entity with economic incentive to render the foregoing services and benefits, which it would not have under a nonexclusive arrangement. As explained by Waste Management in support of its application for preliminary injunction, the commercial customers that collect their recyclable materials in large bins generate far greater amounts of recyclable material and can be serviced much more efficiently. For this reason, according to Waste Management, commercial customers "are the key to the economic viability of the recycling program. Enough revenue must be realized from the sale of recyclable material generated by the few large commercial customers to cover the cost of servicing all customers for the program ultimately to succeed." [7 Cal.4th 498]

The record indicates Palm Springs Recycling seeks to collect only the most commercially desirable recyclable materials, such as glass and cardboard, and to collect such materials only from large commercial establishments. Palm Springs Recycling has demonstrated no interest in the recyclable materials generated by residences and small commercial enterprises. As characterized by Waste Management, Palm Springs Recycling seeks "to skim off the cream of the recycling business," leaving "the less profitable and unprofitable recycling business to [Waste Management] which it is contractually bound to accept." Waste Management maintains that, absent enforcement of its exclusive franchise rights, the comprehensive recycling program is not economically viable.

#### IV

The majority concedes the Act authorizes exclusive franchises for solid waste handling services. The majority asserts, however, that

"solid waste" as defined under section 40191, subdivision (a), of the Act does not include materials sold by the owner for recycling, because if sold the materials have not been "discarded" within the meaning of the statutory definition of "solid waste." For similar reasons, the majority also maintains that if an owner of property is able to sell that property for recycling purposes, such disposition of the property does not fall within the category of "solid waste handling" that may be covered by an exclusive franchise.

I agree with the majority that the exclusive solid waste collection and recycling rights of an exclusive franchisee such as Waste Management do not arise until the owner of the recyclable or nonrecyclable material discards that material for collection by a waste handling service or a commercial recycling enterprise, thus rendering this material a part of the solid waste stream. Thus, the concern of the majority that enforcement of an exclusive franchise for commercial recycling services would interfere with a Boy Scout paper drive, or some other civic or charitable operation, is unfounded. When, however, an owner chooses to dispose of material that previously would have been disposed of as waste, by transferring the property to a commercial recycling enterprise, I believe it is clear that the material has been "discarded" within the meaning of the Act, and that the exclusive franchisee has the exclusive right to perform those collection services.

The majority's conclusion, excluding from the ambit of the exclusive franchise arrangement authorized by the Act all material that a property owner chooses to sell for recycling purposes, is not supported either by the [7 Cal.4th 499] fundamental purpose or the statutory language of the Act. As stated previously, the primary objective of the Act is to encourage and require integrated fn. 4 solid waste management, promoting recycling as the preferred waste management option over landfill disposal. To accomplish that goal, the Act establishes, as one of its major components, requirements for significant reductions in the amount of the solid waste disposed of at landfills. As stated, section 41780, subdivision (a), provides, in part, that cities and counties "shall divert 25 percent of all solid waste from landfill" by January 1, 1995, through "recycling ... activities," and "shall divert 50 percent of all solid waste" by January 1, 2000, through "recycling ... activities." The Act specifically provides in section 41781 that "(a) ... for the purpose of determining the base rate of solid waste from which diversion requirements shall be calculated, 'solid waste' includes ... [¶] (1) The amount of solid waste generated within a local agency's jurisdiction, the types and quantities of which were disposed of at a permitted disposal facility as of January 1, 1990." This provision makes clear that, if a material is of a type and quantity that was disposed of at a permitted disposal facility as of January 1, 1990, the recycling of that material would be considered part of the solid waste stream regulated by the Act. Nothing in the language of the statute suggests that solid waste diverted from landfill disposal through recycling, and thus regulated by the Act, includes only material that has no value to

the owner or has not been sold by the owner for recycling purposes. Instead, the clear implication of the statutory language of the Act, interpreted as a whole, is that the "solid waste stream" includes material sold for recycling purposes where, but for the availability of recycling, the material otherwise would have been disposed of as landfill.

Moreover, one of the primary purposes of the Act is to encourage more efficient methods of recycling, as well as the creation of markets for recycled materials (i.e., to make recyclable materials more commercially marketable). In light of this objective, it would be anomalous to interpret the Act as excluding a particular recyclable material from a city's integrated waste management program simply because, through technology encouraged by the Act, the recycling process for that particular material has become economically viable. Indeed, it may well be impossible for municipalities to further the Act's objectives and meet the Act's very substantial waste-diversion requirements if, as newer and more efficient recycling processes are developed and additional markets are created, municipalities cannot count, as part of the quantum of solid waste satisfying the waste-diversion requirements, those materials that, because of their recyclable potential, have achieved some commercial value to the owner. Correspondingly, if recyclable material sold by its owner for recycling purposes cannot be counted [7 Cal.4th 500] under section 41780 as waste diverted from disposal through recycling, municipalities may have little incentive to encourage either new forms of recycling, or markets for recyclable materials.

Furthermore, if the recycling of material that has commercial value, and that may be sold by the owner, is not part of solid waste handling regulated by the Act, exclusive franchises for specified recycling services frequently may no longer be economically viable for the exclusive franchisee, thereby diminishing a municipality's ability to effectuate a comprehensive citywide recycling program such as that provided by Waste Management under the exclusive franchise agreement at issue. Under the majority's interpretation of the Act, a municipality would have no authority to prevent a competing commercial recycling enterprise such as Palm Springs Recycling from "skimming off the cream" of the recycling business, leaving many of the municipality's residents without an economically viable recycling program. fn. 5

Finally, courts long have rejected the notion that the owner of waste material having some market value has an interest in that material superior to the police power to protect the public health and safety. (See *California Reduction Company v. Sanitary Reduction Works*, supra, 199 U.S. 306; *Gardner v. Michigan*, supra, 199 U.S. 325; *In re Pedrosian* (1932) 124 Cal.App. 692 [13 P.2d 389]; *Ex parte Santos* (1928) 88 Cal.App. 691 [264 P. 281].) More recently, the Sixth Circuit in *Hybud Equipment Corp. v. City of Akron, Ohio*, supra, 654 F.2d 1182, reached a similar conclusion in the context of recycling. In that case, the Court of

Appeals upheld an ordinance [7 Cal.4th 501] of the City of Akron requiring that all solid waste be delivered to the City's "waste to energy" facility. Rejecting the claim that recyclable material had become more valuable in modern times and that the older case law relating to the municipal police power to regulate waste therefore no longer was applicable, the court held: "The old cases are not anachronisms. They are not distinguishable on any of these grounds. The solid waste disposal problem is as serious today for cities as in the past, perhaps more serious." (Id., at p. 1193.)

## V

The provisions of the Act authorizing a municipality to establish an exclusive franchise for the recycling of material, even if the material is of the type that has a market value because of its potential for recycling, do not permit a municipality to require that the owner of such property dispose of it through the exclusive franchisee without receiving just compensation for such recyclable material. The just compensation rights of property owners, however, is not an issue presented by this case, because no property owner is a party to this action. Instead, the sole issue before us is whether a competing recycling company possesses the right to operate in violation of an exclusive franchise agreement (for recycling services) authorized by state law.

Moreover, it is important to note that any exclusive franchise for waste handling services will impinge to some extent upon the economic interests of property owners. Even when dealing with waste having no market value, an exclusive franchise for its collection and disposal may require that some residents pay rates for waste handling services higher than these particular residents might have been able to negotiate with a private enterprise other than the exclusive franchisee. As discussed previously, however, past cases repeatedly have affirmed the authority of municipalities to enter into exclusive franchises that limit the authority of individual residents to dispose of their waste, because of the general societal benefits afforded by an exclusive franchise—for example, the assurance that all persons and businesses within a community will be served at reasonable rates, without regard to their individual circumstances, and the reduction of the municipality's burden of supervising the safe delivery of these services.

## VI

For the foregoing reasons, I believe that the city's grant of an exclusive franchise to Waste Management for solid waste handling services within city limits, including the recycling services described in the exclusive franchise agreement, was authorized by the Act. Therefore, I would reverse the [7 Cal.4th 502] judgment of the Court of Appeal and remand the case to that court with directions to affirm the judgment entered by the trial court. Mosk, J., concurred.

# Section 12

## California's Integrated Waste Management Board (CIWMB) Public Policy

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Webpage: [CIWMB Home](#)

Pertinent narrative:

**The Board promotes a Zero Waste California in partnership with local government, industry, and the public.** This means managing the estimated 76 million tons of waste generated each year by **reducing waste** whenever possible, promoting the **management of all materials to their highest and best use**, and **protecting public health and safety** and the **environment**.

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Webpage: [Margo Reid Brown Webpage](#)

Pertinent narrative:

### **Welcome from Margo Reid Brown, Board Chair**

Our mission at the Board is to **reduce the resources that plague our landfills** by **promoting** the management of all **materials to their highest and best use**, and protect public health and safety and the environment, in **partnership** with all **Californians**.

We are looking at **innovative technologies** from businesses that help turn these resources into marketable items such as building and construction materials, agricultural materials or household items, demonstrating even further that, as Governor Schwarzenegger has often said, the environment and the economy can coexist and build a stronger California.

As we develop new programs and concepts for reaching California's waste diversion goals we will keep our web pages updated so that the world will know of the great things happening in the Golden State. Thank you!

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Webpage: [Zero Waste California Home](#)

Pertinent website links:

- [What Is A Zero Waste California?](#)
- [CIWMB Commitment to a Zero Waste California](#)
- [Reuse](#)
- [Construction & Demolition Debris](#)

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Webpage: What is a Zero Waste California?

Pertinent narrative:

Imagine a "Zero Waste California"—it is an image and philosophy that rings with hope and prosperity for the future of our Golden State.

California is a state rich in natural resources and has an environment unlike any other, and those resources need to be protected. In that effort, **Zero Waste California** stretches beyond our previously imagined goals. It is the **ultimate in environmental stewardship—and a goal we can all work together to accomplish.**

Californians know how to "reduce, **reuse**, and recycle." We have been living it and have come to make it part of our everyday lives.

Zero Waste is based on the concept that wasting resources is inefficient and that efficient use of our natural resources is what we should work to achieve. It requires that we **maximize** our existing recycling and **reuse** efforts, while ensuring that products are designed for the environment and have the potential to be repaired, **reused**, or recycled.

The success of Zero Waste requires that we **redefine the concept of "waste"** in our society. In the past, waste was considered a natural by-product of our culture. Now, it is time to recognize that proper resource management, not waste management, is at the heart of reducing waste sent to landfills.

We encourage you to **take a stand for Zero Waste** and talk to your friends, family, City Council and/or Board of Supervisors in support of this goal. Because, when it comes to Zero Waste—You Make It Happen!

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Webpage: CIWMB Commitment

Pertinent narrative:

In November 2001 the California Integrated Waste Management Board unanimously adopted a new **Strategic Plan** to serve as the Board's road map to the future. Key themes identified in the 2001 plan are **sustainability, product stewardship**, energy recovery, environmental justice, safe disposal of waste, and the **promotion of a zero-waste philosophy** as Goal 7 indicates below.

**Goal 7—Promote a "zero-waste California" where the public, industry, and government strive to reduce, reuse, or recycle all municipal solid waste materials back into nature or the marketplace in a manner that protects human health and the environment and honors the principles of California's Integrated Waste Management Act.**

## Introduction

The zero-waste philosophy focuses on the **most efficient use of natural resources** in order to **maximize the reduction of waste** and **protect the environment**. It also includes but is not limited to maximizing recycling and ensuring that products are made to be **reused**, repaired, or recycled back into the environment.

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Webpage: Reuse Home

Pertinent narrative:

## Reuse: The Heart of Waste Prevention

Welcome to the Reuse Web site of the California Integrated Waste Management Board! The purpose of **this Web site is to educate and motivate people to think of material reuse as the first option in diverting unwanted materials from California landfills.**

**Reuse** is defined as using an item over again in its current form without significant processing that alters its material structure.

**Reuse** is the second step in the waste reduction hierarchy of "reduce, **reuse**, recycle" and plays an important role in programs to **divert waste from California landfills, as required by state law.**

*6 Comment: Because of its importance the CIWMB has separated reuse from source reduction. In fact reuse is a subset of source reduction as defined by PRC 40196. Therefore reuse should be considered a number one priority.*

There are many benefits to **reusing** materials. One of these benefits is the creation of new jobs. According to the **Institute for Local Self-Reliance**, there is great potential to **create new jobs** through **reuse**. "If only half of the 25.5 million tons of durable goods (such as used appliances, furniture, clothing, and machinery) now discarded in the U.S. were **reused**, more than 110,000 new jobs could be created."

This site includes many resources to increase **reuse** opportunities and practices. Please see Waste Prevention World for more information.

**Reuse...**

**...is a simple idea:**

**"One person's trash is another person's treasure."**

**Reuse...**

**...saves money, energy, resources, and landfill space.**

**Reuse...**

**...is a simple act that anyone can do.**

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Webpage: Waste Prevention World  
Pertinent narrative:

### **Waste Prevention World**

This site focuses on the first component of the waste management hierarchy—waste prevention—and finding creative ways to reduce the amount of waste we produce both at home and on the job.

#### **The Waste Management Hierarchy—Reduce, Reuse, Recycle**

If given the choice, the best option is to prevent or reduce the amount of waste that is generated in the first place. While **recycling** is an important component of the overall waste management hierarchy, it is still the least preferred option because **you first have to generate the waste in order to recycle it. Reuse** falls in the middle in that **if an item can be reused**, either by the original user or by someone else before it is disposed to the trash or recycled, **then the waste of that item is prevented** or at least delayed.

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Webpage: Waste Prevention Terms and Definitions  
Pertinent narrative:

### **Waste Prevention Terms and Definitions**

This page seeks to shed some light on the many different terms used in describing the many important functions and aspects of waste prevention.

What is waste? You might have never thought to try to define it, because its meaning seems so obvious. Or does it? If you are an avid recycler who does not practice any waste prevention, you can do much better for the environment than you are now doing.

"Huh? I am preventing waste by recycling, aren't I?"

The answer to this question is no. If you are perplexed by this answer, read the definition of recycling on this page. If your goal is to thoroughly understand the essence of waste prevention, start with the two most important terms, waste, and waste prevention.

### **Waste Prevention Terms**

- **Integrated Waste Management**—Managing waste by multiple techniques to achieve solid waste and resource conservation goals. The techniques

may include waste reduction, **reuse**, recycling, composting, transformation, disposal to landfills, and other means.

- **Recycling**—Using waste as material to manufacture a new product. Recycling involves altering the physical form of an object or material and making a new object from the altered material.
- **Reuse**—Using an object or material again, either for its original purpose or for a similar purpose, without significantly altering the physical form of the object or material.

**Reuse** is not recycling, because recycling alters the physical form of an object or material. **Reuse** is generally preferred to recycling because **reuse** generally consumes less energy and resources than recycling. **Waste is defined as material for which no use or reuse is intended.** Thus, **reuse prevents objects and materials from becoming waste.** Therefore, **reuse** is considered to be a **form of waste prevention.** Examples of **reuse** follow. To learn more about **reuse**, consult the CIWMB Reuse Web site.

- **Source Reduction**—Section 40196 of the California Public Resources Code defines source reduction as any action which causes a net reduction in the generation of solid waste. "Source Reduction" includes, but is not limited to, reducing the use of nonrecyclable materials, replacing disposable materials and products with **reusable materials** and products, reducing packaging, reducing the amount of yard wastes generated, establishing garbage rate structures with **incentives to reduce the amount of wastes** that generators produce, and increasing the efficiency of the use of paper, cardboard, glass, metal, plastic, and other materials. "Source Reduction" does not include steps taken after the material becomes solid waste or actions which would impact air or water resources in lieu of land, including, but not limited to, transformation. See §40196 of the California Public Resources Code. Also see California Code of Regulations, Title 22 §67100.1 (o).
- **Waste**—Objects or materials for which no use or reuse is intended.
- **Waste Diversion**—As defined in California statute, the **combined efforts of waste prevention, reuse, and recycling practices.**
- **Waste Prevention**—Actions or choices that **prevent the generation of waste.**
- **Waste Reduction**—Actions taken before waste is generated to either reduce or completely prevent the generation of waste. **The combined efforts of waste prevention, reuse, composting, and recycling practices.** A number of local jurisdictions in California, public interest groups and a few states **use waste reduction synonymously with**

**waste prevention**, defined above. Check how the terms are being used when reviewing documents or in conversation to avoid confusion.

## **Disclaimer**

The forgoing definitions are provided to help those who want to improve or maximize their personal or business waste reduction efforts in order to conserve plant and mineral resources, energy, and water, and in order to reduce the pollution of water, soil, and air. **The foregoing are not intended to provide legal definitions of waste or any terms related to waste.** If you are looking for such definitions, please refer directly to the statutes and regulations that apply to your activities.

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Webpage: Business Waste Reduction  
Pertinent narrative:

**Waste is a symptom of an inefficient process.**

**Reducing waste reduces needless consumption.** Reducing needless consumption preserves renewable and non renewable resources. Reducing waste conserves energy and reduces the air, soil, and water contamination that is often caused by the production of those materials and supplies that become waste, and from the fossil fuel powered transportation that delivers those materials and supplies and hauls away those materials and supplies after they become waste. **Reducing waste also reduces the use of landfills.**

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Webpage: Construction and Demolition Debris Recycling  
Pertinent narrative:

## **Construction and Demolition Debris Recycling**

According to the 2004 Statewide Waste Characterization Study, construction and demolition (C&D) materials account for almost 22 percent of the waste stream. Many of these materials can be reused or recycled, thus prolonging our supply of natural resources and potentially saving money in the process.

Common C&D materials include lumber, drywall, metals, masonry (brick, concrete, etc.), carpet, plastic, pipe, rocks, dirt, paper, cardboard, or green waste related to land development.

## **Reuse and Recycling**

**Reuse** and recycling of C&D materials is one component of a larger holistic practice called sustainable or green building construction. The efficient use of resources is a fundamental tenet of green building construction. This means reducing, **reusing**, and recycling most if not all materials that remain after a construction or renovation project. Green building construction practices can include salvaging dimensional lumber from the project, using aggregates reclaimed from crushed concrete, or grinding drywall scraps for use on site as a soil amendment.

At the end of a building's life, **demolition generates large amounts of materials that can be reused** or recycled, principally wood, **concrete** and other types of **masonry**, and drywall.

Through careful planning, **reuse** and recycling of **C&D materials** can actually be more economical than disposal. For information about common C&D recycling practices and techniques as they apply to specific materials, visit the C&D materials page.

Additionally, many local jurisdictions operate or have knowledge of local private recycling options. To locate a contact for your local jurisdiction, use the CIWMB's **Local Assistance** Contacts database.

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**Webpage:** Construction/Demolition and Inert Debris Statutes and Regulations

Pertinent narrative:

PRC 40180 "Recycle" or "recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, **reused**, or reconstituted products which meet the quality standards necessary to be used in the marketplace. "Recycling" does not include transformation as defined in Section 40201.

PRC 40190 "Segregated from other waste material" means any of the following:

- (a) The placement of recyclable materials in separate containers.
- (b) The binding of recyclable material separately from the other waste material.
- (c) The physical separation of recyclable material from other waste material.

PRC 40194 "Solid waste facility" includes a solid waste transfer or processing station, a composting facility, a gasification facility, a transformation facility, and a disposal facility.

PRC 40195 "Solid waste handling" or "handling" means the collection, transportation, storage, transfer, or processing of solid wastes.

PRC 42301(h) "Recycled" means a product or material which has been reused in the production of another product and has been diverted from disposal in a landfill

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Webpage: 14CCR 17402

Pertinent narrative:

(24) "Salvaging" means the controlled separation of solid waste material which do not require further processing, for reuse or recycling prior to transfer activities.

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Webpage: 14CCR 17402.5

Pertinent narrative:

(2) "Reuse" means the use, in the same, or similar, form as it was produced, of a material which might otherwise be discarded.

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Webpage: PRC 40200

Pertinent narrative:

b. "Transfer or processing station" or "station" does not include any of the following:

2. A facility, whose principal function is to receive, store, convert, or otherwise process wastes which have already been separated for reuse and are not intended for disposal.

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Webpage: PRC 42301(g)

Pertinent narrative:

g) "Postconsumer material" means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product lifecycle. Postconsumer material does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.

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Web Page: 14 CCR 17225.70

Pertinent narrative: "Solid Waste Management"

"Solid Waste Management" includes a planned program for effectively controlling the generation, storage, collection, transportation, processing and **reuse**, conversion or disposal of solid wastes in a safe, sanitary, aesthetically acceptable, environmentally sound and economical manner. It includes all administrative, financial, environmental, legal and planning functions as well as the operational aspects of solid waste handling, disposal and resource recovery systems necessary to achieve established objectives.

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Webpage: Construction and Demolition References and Resources

Pertinent narrative:

### **Contact Information**

### **Disclaimer**

Below are local government or waste industry representatives who have expertise in the area of **construction and demolition (C&D) materials diversion**. The CIWMB is distributing this information in an effort to increase **public awareness and knowledge** about this **important topic**.

### **Websites**

The following websites refer to specific C&D information such as definitions, databases, and ordinances.

### **Publications**

Below are useful publications related to C&D diversion.

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Webpage: Training Resources

Construction/Demolition and Inert Debris Resources

Pertinent narrative:

**Part Tests:** Includes a description of each test and a link to Advisory 58 on determining compliance on the 3-part-test.

**Construction and Demolition Recycling:** Information on the Board's program to promote **reuse** and recycling of construction and demolition materials.

**Questions and Answers:** Includes link to the Board's regulation implementation page with CDI questions and answers.

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**Webpage:** Regulations Implementation Guidance for LEAs

Questions and Answers: Construction and Demolition and Inert Debris Transfer/Processing Regulations

**Pertinent narrative:**

**Question 22:** Is a site that is in the process of placing 4,000 cubic yards of concrete rubble for reclamation and levee work exempt from CIWMB C&D regulations (or at least excluded from the permit process)? CIWMB staff viewed the site and noted that it looked like piles of concrete rubble dumped along a creek and that there were hand painted signs that said "CONCRETE HERE". The site was open and unattended. The County Planning and Building Department prepared and approved a mitigated negative declaration and issued a grading permit for the project.

**Answer 22:** It is assumed that this is not a project being carried out by a public agency so the exclusion under 14 CCR 17388.2(a)(6) does not apply. If a project is accepting type A inert debris for longer than one year, the site might qualify as an inert debris engineered fill operation per 14 CCR 17388.3 under the enforcement agency notification tier or as an inert debris type A disposal facility per 14 CCR 17388.4 under a registration permit. This particular project appears to be the construction of a levee only. It may qualify as an excluded engineered fill activity under 14 CCR 17388.2(a)(2) if the concrete has been properly prepared. If the material is not processed to 2" minimum particle size this exemption would not apply. Finally, depending on the specific facts of the project, **the site may not be a disposal site at all** or it may be an illegal disposal site.

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**Webpage:** Waste Diversion Planning Enforcement

**Pertinent narrative:**

Waste diversion planning is designed to increase public participation in all aspects of waste diversion, including waste reduction, reuse, recycling, and composting, as well as the safe disposal of waste that cannot be diverted.

The Board is authorized to assess civil penalties of up to \$10,000 per day for delinquent documents (Public Resources Code, Part 2, Chapter 7, Article 5, Sections 41850-41851).

Webpage: C&D Tools for ...  
Architects or Builders  
Pertinent narrative:

### **Local Governments**

Does your jurisdiction have a C&D ordinance or is it considering adopting one?  
The Board has sample C&D ordinances to assist your jurisdiction in the development of its own C&D ordinance.

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Webpage: Construction and Demolition Materials  
Pertinent narrative:

### **Common C&D Materials**

- Aggregate

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Webpage: Recycled Aggregate  
Pertinent narrative:

**Benefits of Recycled Aggregate:** The use of recycled aggregate can save money for local governments and other purchasers, create additional business opportunities, save energy when recycling is done on site, conserve diminishing resources of urban aggregates, and help local governments meet the goal of reducing disposal by 50 percent by the year 2000.

**Construction and Demolition (C&D):** C&D materials made up about 28 percent of California's waste stream, or approximately 11 million tons.

**Asphalt and Concrete:** While asphalt and concrete were not reported separately in these data, generation of "inert solid waste," which consists of concrete, asphalt, dirt, brick, and other rubble, was conservatively estimated at 8.2 million tons. The estimated recycling rate for inert solid wastes was 57 percent; the remainder was disposed of.

### **Materials/Definitions**

Inert solid waste is concrete, asphalt, dirt, brick, and other rubble.

Portland cement concrete (PCC) and asphalt concrete (AC) consist primarily of aggregate.

### **Markets**

Uses: Recycled aggregate can be used:

- In paved roads as aggregate base, aggregate subbase and shoulders.
- In gravel roads as surfacing.
- As base for building foundations.
- As fill for utility trenches.

At this time, the primary market is aggregate base and subbase in road projects.

## **Siting**

**Where Can I Get Help?** Businesses starting or expanding into recycling activities may get financial, technical, marketing, business and permitting assistance from the "R-Team" at CIWMB, at (916)341-6526.

**Solid Waste Permits:** The CIWMB has developing a tiered permitting system for solid waste facilities. Processors that accept segregated C&D debris may not require a solid waste facilities permit. Contact your Local Enforcement Agency (LEA) for information. To find out who the LEA is for the project area, check the LEA Directory on the Board's Web site or call the LEA/EA Branch at (916)341-6314.

## **Resources**

*Market Status Report: Recycled Inerts* (October 1996). An 11-page report discussing recycled aggregate, asphalt pavement, asphalt roofing shingles, and drywall. (Pub #431-96-063)

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Webpage: Market Status Report: Recycled Inerts  
Pertinent narrative:

## **Table of Contents**

### **II. Current Supply**

Most inerts are currently generated from road construction and private on-site work, in the form of concrete, asphalt, and aggregate. Most road construction is by Caltrans and local public works projects. Private onsite work generates inerts from sidewalks, curbs and gutters, new development adjacent to existing streets, parking lots, building foundations, and concrete walls. Old asphalt roofing is generated mostly from residential roof replacements, while new asphalt roofing is composed of cut offs from manufacturing plants. Drywall is generated at construction and demolition sites, though the construction scrap is cleaner and has more market potential.

### **Factors Affecting Supply**

Supply is primarily affected by economics

- Tipping fees. The average landfill tipping fee in California is \$31. A typical recycler's tipping fee ranges from \$4 to \$12 per ton.
- Transportation costs. The distance to the processor versus to the landfill must be factored in. Hauling costs approximately \$60 per hour.
- Labor costs. Additional labor is required to keep inerts separate at the job site, or to separate it at the recycler's.
- Price of product. The reclaimed aggregate or gypsum price will affect the overall economics; a higher purchase price means the tipping fee can be lowered, thus attracting more feedstock. In southern California, virgin aggregate costs \$7 to \$11 per ton, and recycled aggregate costs \$2.50 to \$6 per ton. In northern California, virgin aggregate costs \$5 to \$7 per ton, and recycled aggregate is competitive with virgin. Mined bulk gypsum costs approximately \$30 per ton; reclaimed gypsum costs \$15 to \$20 per ton.

#### **IV. Current Demand**

Concrete and asphalt can also be crushed to 2 to 6 inches and, along with rubble, brick, and dirt, be buried as construction fill material at the job site, such as that used in the recent residential sink hole in San Francisco.

#### **VI. Primary Barriers to Material Supply/Demand**

##### **Lack of Information**

##### **Aggregate**

Many processors, contractors, and users (such as local governments), lack the experience necessary to work with recycled materials testing procedures and markets, and do not have the time to research successful recycled projects.

#### **VII. Strategies to Overcome Barriers**

##### **Lack of Information**

Work with local governments to promote recycling of construction and demolition waste.

#### **• VIII. Barriers**

*26 Comments: Additional Barriers*

- *Truck Traffic*
- *Image of Dump*
- *Regulatory bias against unregulated activities e.g. "Reuse" of materials*
- *Stovepipe mentality*
- *Failure to understand and enforce diversion*
- *Bureaucracy closing ranks to defend itself. Smith to Levenson*
- *Complaint = Violation*
- *Lack of expertise in construction code interpretation, design, permitting and inspection*

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Webpage: C&D Diversion Informational Guide  
Pertinent narrative:

#### **Introduction**

#### **SB 1374**

#### **Developing a C&D Diversion Ordinance**

#### **Methods for Encouraging C&D Diversion**

#### **About the Model C&D Ordinance**

#### **Model Ordinance Construction**

#### **Case Studies**

#### **Frequently Asked Questions (FAQ)**

#### **References and Resources**

#### **Introduction**

C&D waste can be a significant portion of a jurisdiction's waste stream, and diverting it from landfills can help jurisdictions achieve and maintain their diversion goals established by AB 939.

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Webpage: Local Government Construction and Demolition (C&D) Guide  
Senate Bill 1374

Pertinent narrative:

#### **Introduction**

Senate Bill (SB) 1374, signed into law in 2002, seeks to assist jurisdictions with **diverting their construction and demolition (C&D) waste material**

Annual Reporting Requirements (PRC Section 41821)

This section was amended to explicitly require that a jurisdiction include in its annual report:

A summary of progress made in diversion of construction and demolition of waste material, including information on programs and ordinances implemented by the local government, and quantitative data, where available. [PRC section 41821(b)(4)]

Enforcement Through Fines (PRC Section 41850)

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Webpage: Local Government Construction and Demolition (C&D) Guide  
Developing a C&D Ordinance

Pertinent narrative:

### **Background**

A construction and demolition (C&D) ordinance is a formal, publicly adopted law that gives a jurisdiction enforcement authority for the diversion activities required in the ordinance.

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Webpage: Methods for Encouraging C&D Diversion

Pertinent narrative:

- Alternatives: Inform contractors about alternatives to landfill disposal of their C&D waste.

### **Information**

- A simple method to help divert C&D waste is to provide general contractors with educational material and information about alternative facilities that take C&D waste.

### **U.S. EPA**

The U.S. EPA's C&D Debris website provides information and links to extensive resources and organizations covering the characterization, reduction, **reuse**, recycling and management of C&D debris.

### **Building Green**

To generate demand and promote the reuse of C&D materials in their present and recycled form, you may want to require the use of recovered and recycled C&D materials.

### **Incentive Programs for Waste Haulers**

You may want to investigate the possibility of establishing an incentive program that would encourage waste haulers in your jurisdiction to increase their diversion of C&D material.

Here is a sample of contractual language jurisdictions (in this case La Canada Flintridge) have used to establish a rebate incentive with haulers of C&D material.

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Webpage: U.S. Environmental Protection Agency  
Construction and Demolition (C&D) Debris

Pertinent narrative:

Construction and demolition (C&D) debris consists of the materials generated during the construction, renovation, and demolition of buildings, roads, and bridges. C&D debris often contains bulky, heavy materials that include:

- concrete
- asphalt
- bricks,

Reducing and recycling C&D debris conserves landfill space, reduces the environmental impact of producing new materials, creates jobs, and can reduce overall building project expenses through avoided purchase/disposal costs.

- Basic Information - provides an overview of the C&D debris waste stream, disposal practices, EPA's goals for its C&D debris programs, and some success stories about C&D reduction and recycling.
- Reducing C&D Debris - describes a wide range of C&D debris reduction techniques by methodology (reduce, reuse, recycle, and rebuy) and by material.

---

Webpage: Local Government Library:

Pertinent narrative:

Model Construction and Demolition (C&D) Diversion Ordinance

### **Legislation**

The California Integrated Waste Management Board has developed a model construction and demolition (C&D) diversion ordinance, as required by Senate Bill 1374 (Kuehl, Chapter 501, Statutes of 2002), to assist jurisdictions with diverting their C&D waste material. Specifically, the Board was directed to:

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**Webpage: Local Government Construction and Demolition (C&D ) Guide  
Ordinance Construction**

**Pertinent narrative:**

- Introduction
- Findings and Statement of Intent
- Definitions
- Diversion Requirement
- Diversion Requirement Exemption
- Threshold
- Waste Management Plan
- Deposit Required
- On-Site Practices
- Reporting
- Fines/Penalties
- Appeals
- Option to Revise
- Severability

**Introduction**

Many jurisdictions have adopted one of the sample construction and demolition diversion ordinances available on our website, or have adapted one to fit their specific needs. You may choose instead to build your own construction and demolition (C&D) ordinance using the Board's model ordinance.

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**Webpage: Local Government Construction and Demolition (C&D) Guide  
Findings and Statement of Intent**

**Pertinent narrative:**

- Acknowledge that certain material types generated from certain types of projects (for example, concrete and asphalt generated from demolition projects) may already be diverted because of economic incentives, and therefore such projects are exempt from the ordinance.

---

**Webpage: Local Government Construction and Demolition (C&D) Guide  
Definitions**

**Pertinent narrative:**

- Construction
- Divert/Diversion
- Diversion requirement
- Recycling/Recyclables
- Reuse
- Salvage

---

Webpage: Local Government Construction and Demolition (C&D) Guide  
Reporting

Pertinent narrative:

This section of your construction and demolition (C&D) diversion ordinance ensures that the project applicants will report their diversion to you in a uniform format. Most of the sample ordinances reviewed contained a reporting requirement in the form of a waste management plan (WMP), to be submitted upon completion of a construction or demolition project.

---

Webpage: Local Government Construction and Demolition (C&D) Guide  
Fines and Penalties

Pertinent narrative:

Types of fines or penalties that may be included in an ordinance are:

- **Forfeiting deposit.** Lack of compliance could mean deposit is forfeited to the jurisdiction.
- **Fines.** Civil action for misdemeanor violation. Failure to comply could result in a misdemeanor violation, a certain amount of jail time, or a set dollar amount for a fine, or both.

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Webpage: Local Government Construction and Demolition (C&D) Guide  
Onsite Practices

Pertinent narrative:

In addition, some jurisdictions, like the Town of Atherton, also include a section specific to deconstruction, salvage, and recovery in their ordinance, that specifically allows for recovering or salvaging activities. For example:

“Recovered or salvaged designated recyclables and reusable materials may be given away or sold on the premises, or may be removed to reuse warehouse facilities for storage or sale.”

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Webpage: Local Government Sample Documents  
Pertinent narrative:

**CIWMB's Model C&D Ordinance.** Chapter 501, Statutes of 2002 (Kuehl, SB 1374) required the CIWMB to develop a model construction and demolition (C&D) diversion ordinance by March 1, 2004. This tool is provided for

jurisdictions to use in the creation of an ordinance that will help to meet their local needs.

The following are sample documents (ordinances, contract language, and permit conditions) and links to programs used by California cities or counties to encourage the diversion of C&D materials from landfills. For specific information regarding these samples, please contact the jurisdiction or author listed.

### **City**

- City of Sacramento: C&D Ordinance
- City of San Francisco: C&D Debris Management Ordinance
- City of San Jose: Construction and Demolition Diversion Deposit Program and Ordinance
- City of Santa Monica: Ordinance on Construction and Material Waste

### **County**

- County of Ventura: C&D Ordinance

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**Webpage:** Sample Construction and Demolition Debris Recycling Documents

### **Pertinent narrative:**

**County of Ventura: Sample C&D Ordinance Language**

**Sec. 4770-2.1- Director's List of Commercial Recyclables**

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**Webpage:** Recyclestore

### **Pertinent narrative:**

RecycleStore showcases innovative recycled-content products and puts you in touch directly with their manufacturers.

- Building Materials

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**Webpage:** Recyclestore Product Information

### **Pertinent narrative:**

**Outdoor Concrete Flooring & Patios**

---

Webpage: Business Recyclables List (Ventura County)

Pertinent narrative:

### **C&D Debris Recyclers Database**

Looking for facilities that collect specific types of construction and demolition debris for reuse or recycling? The form to the right enables you to search a database of these facilities.

This database is being continuously updated with new information. If you find inaccurate information or know of a facility that should be included, please contact our staff listed at the bottom of this page.

If you operate a C&D materials recycling facility and you would like to be represented in the database, please complete this information form.

---

Webpage: C&D Debris Recyclers Database

Pertinent narrative:

Construction & demolition debris recyclers in **Ventura County with Concrete material type** returned **6** results.

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Webpage: California Materials Exchange

Pertinent narrative:

**CalMAX ... a free service** designed to help businesses find markets for nonhazardous materials they have traditionally discarded. CalMAX helps businesses, industries, and institutions save resources and money.

**CalMAX is partnering with local governments** to provide customized portals (see "Local Exchanges" on the left menu) for the material listings. **Has your community committed to reuse yet?**

**CalMAX ... a simple idea** "One business' trash is another business' treasure". Business, schools, and nonprofits can utilize CalMAX to search for available and wanted materials.

**CalMAX ... conserves energy, resources, and landfill space** by helping businesses and organizations find alternatives to the disposal of valuable materials or wastes through waste exchange.

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Webpage: California Local Material Exchange Programs

Pertinent narrative:

**The Los Angeles County Materials Exchange Program**

LACoMAX: <http://ladpw.org/epd/lacomax/>

**Contact:**

Los Angeles County Department of Public Works  
Environmental Programs Division

**The Ventura County Materials Exchange Program**

VCMAX: <http://www.vcmx.org>

**Contact:**

Pandee Leachman  
Ventura County Environmental and Energy Resources Department

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Webpage: VCMAX Material Exchange

Pertinent narrative:

**Construction Available**

**NOTE: These have also changed since your search on 2/9/06. I thought these might be what you are looking for from the current list.**

**New ➤ Used Red Bricks (6/06)**

Free! Approximately 900 sq. ft. of used brick from a patio remodel is available.  
Free, must pick up! Bob Bechtel, Ventura, 805/279-8878

**New ➤ Very Clean Fill Dirt**

Free! Available in Camarillo, free, must pick up.  
Thomas Chu, Camarillo, 805/444-6855

**New ➤ Fill Dirt**

Free! Approximately 10 cubic yards of fill dirt available. Free, just pick up!  
Dennis Lybe, Thousand Oaks, 805/492-6052

**New ➤ Concrete Chunks (2/06)**

Free! Approximately 10 cubic yards of broken concrete available for erosion control or fill in Ojai. Must pick up. Kim Ainsworth, Ventura, 805/646-2737

**New ➤ Used Bricks (12/05)**

Free! Must pick up and haul away. In good condition.  
Joy G. Smith, Ventura, 805/648-3604

**New ➤ Concrete Rocks or Chunks of Concrete (12/05)**

Free! For erosion control or landscaping projects. Can pick up during the day at 983 Camino La Maida in Thousand Oaks - near Avenita los Arboles & Moorpark Road. Safe area, easy access via dirt road. No dogs, fences or gates. Take all you need. You can for more information or make an appointment.  
Joy Scovill, Thousand Oaks, 805/390-9700

**Fill Dirt & Top Soil**

Free! Must arrange for transport of clean dirt and topsoil from Camarillo.  
Michael Zielinski, Camarillo, 805/384-9233

**Construction Wanted**

**New ➤ Used Bricks (1/06)**

Free! Need bricks for a backyard project. Gary Randolph, Somis, 805/443-3403

**New ➤ Clean Fill Dirt - Ongoing**

Free! Need this on an ongoing basis. Easy access to our 3 acres of property.  
Robert, Santa Paula, 805/340-5753

**Bricks, Flagstone, Rocks etc.**

All needed for a backyard landscaping project.  
Ana Monteiro, Ventura, 805/643-6405

**Horse Rescue Sanctuary Needs Woodchips, Fill Dirt, Broken Concrete**

Must repair erosion & property damage from the Winter floods. All must be delivered to our driveway. Donations will be greatly appreciated.  
Lorraine Lovato, 805/649-4761 (home) or 805/677-3956 (work-leave message)

**Mud or Fill Dirt - From Landslides OK**

Need mud or fill dirt, must be free and delivered. Will be used on my property.  
Jennifer Franklin, Oak Park, 818/649-1587

**Flagstone, Bricks, Concrete Blocks, Topsoil**

Need these materials for a backyard landscaping project.  
Anna Monteiro, Ventura, 805/643-6405

**Clean Fill Dirt, Road Base Material, & Asphalt Chips**

Clean fill dirt, road base material and asphalt chips are needed for several projects in the Santa Paula Elementary School District. Must be delivered.  
Bob Sube, Santa Paula Elementary School District, 805/933-5602

**Broken Concrete - Ongoing**

Broken concrete or asphalt needed for erosion control at Camarillo ranch.

You haul - no dump fee.

Daniel Mansir, Oxnard, 805/985-4189

**Asphalt Grindings - Ongoing**

Asphalt grindings needed to surface dirt ranch roads. Will pay reasonable fee for delivery.

Jody Martin-Neill, Camarillo Springs Ranch, 805/383-3633

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**Webpage: About LACoMAX**

Pertinent narrative:

- Dwindling landfill space is conserved as materials are diverted from disposal for reuse or recycling
- Disposal costs are reduced for generators of discarded materials
- Economic development is promoted as discarded materials are used as feedstock at low or no cost
- Los Angeles County communities move closer to meeting the state's goal of reducing disposal by 50%
- Virgin raw materials (and the energy to process them) are conserved.

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**Webpage: LEA Home**

Pertinent narrative:

**LEA Central**

The Board is responsible for ensuring that **State waste management programs are primarily carried out through LEAs**. LEAs have the primary responsibility for ensuring the correct operation and closure of solid waste facilities in the state. They also have responsibilities for guaranteeing the proper storage and transportation of solid wastes.

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**Webpage: Integrated Waste Management Board**

Pertinent narrative:

**Links Pages**

- **Local Government**

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Webpage: Local Assistance Contacts

Pertinent narrative:

**Official Jurisdiction Contact:**

Reddy Pakala, Director, Water And Sanitation Department  
Ventura County Public Works Agency  
800 S. Victoria Ave #1650 Ventura, CA 93009-1650  
Phone: (805) 289-3105 Fax: (805) 289-3102 reddy.pakala@ventura.org

**Official Jurisdiction Contact, Annual Report Contact:**

Bruce Belluschi, Manager  
Ventura Cnty Environmental & Energy Div  
800 S Victoria Ave #1650 Ventura, CA 93009-1650  
Phone: (805) 658-4311 Fax: (805) 658-4324 bruce.belluschi@ventura.org

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Webpage: Local Waste Management Links

Pertinent narrative:

- **Ventura County Solid Waste Management**

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Webpage: County of Ventura

**Environmental and Energy Resources Division  
About Us**

Pertinent narrative:

The mission of the Ventura County Environmental and Energy Resources Division is to reduce waste, promote the sustainable management of materials, and prevent pollution in partnership with the community.

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Webpage: Environmental & Energy Resources Division

Pertinent narrative:

**Program Summary**

During this same period, the Department experienced a fundamental shift in focus with the passage of the California Integrated Waste Management Act (AB 939). This new legislation redefined the planning and programmatic emphasis of counties and cities from waste collection and disposal to the recovery and recycling of discarded materials. The Department took on new State-mandated responsibilities for regional and local planning, administration of the Countywide Recycling Market Development Zone, meeting stringent landfill diversion

mandates in the unincorporated area, and developing regional solid and household hazardous waste programs. This expansion of functions coincided with the Department's major growth phase, marked by a quadrupling of staff and a tenfold increase in budget by 1995.

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Webpage: Environmental & Energy Resources Division  
Pertinent narrative:

Landfills,  
Disposal  
Facilities  
& Refuse  
Collection



Bioenergy & Bioproducts  
Development



Environmentally  
Preferable Purchasing



Residential  
Recycling & Reuse



Hazardous Waste  
Collection Programs



Commercial Recycling,  
Green Business &  
Recycling Market  
Development

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Webpage: Ordinance and Enforcement  
Pertinent narrative:



## Landfills, Disposal Facilities & Refuse Collection

### Ordinances

There are two primary Ordinances that impact the management of contracts for solid waste handling in the County of Ventura.

#### **ORDINANCE NO. 4308**

**The Board of Supervisors approved Ordinance 4308 on June 22, 2004**

Its passage repealed ordinances 4155, originally passed in 1997. Ordinance 4308 provides for: the regulation of solid waste collection and disposal in the unincorporated area of the County; planning and implementation of programs for attainment of waste diversion goals established by the California Integrated Waste Management Act of 1989; the establishment of fees for the recovery of program costs; and for other requirements that the County may determine necessary related to solid waste, solid waste handling, and solid waste facilities.

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Webpage: EERD Commercial Recycling  
Pertinent narrative:

Green Building: Construction &  
Demolition Practices and Information

Construction Project  
Environmental Review Forms

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Webpage: EERD Commercial Recycling  
Pertinent narrative:

Guide to Construction  
Materials Management

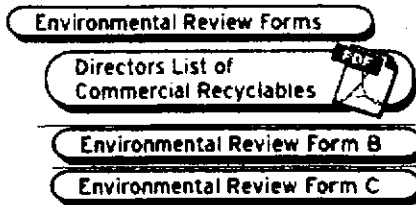
Environmental Review Forms

C&D Materials Reuse &  
Recycling Services



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Webpage: EERD Commercial Recycling  
Pertinent narrative:



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Webpage: County of Ventura  
Environmental and Energy Resource Division  
Commercial Recycling

Pertinent narrative:

**Ventura County Business Guide to Construction Materials Management**

All commercial businesses located in unincorporated Ventura County engaged in construction and/or demolition (C & D) activities are **required** (per Ordinance #4308-#4155) to separate from refuse and **divert from disposal** the following construction and demolition-related materials appearing on the Business Recyclables List (English) / (Spanish) :

<b>Asphalt</b>	<b>Dirt/Earth</b>
<b>Brick</b>	<b>Metal</b>
<b>Brush</b>	<b>Rocks</b>
<b>Concrete</b>	<b>Wood</b>

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Webpage: Director's List of Commercial Recyclables (Ventura County)

Pertinent narrative:

Pursuant to Section 4770-2.1 of the Codified Ordinances of the County of Ventura, **the following materials, if generated in significant quantities, must be diverted from disposal** by all commercial generators of waste located in unincorporated Ventura County.

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Webpage: Environmental Health  
Pertinent narrative:

**Solid Waste Program**

The Solid Waste Program is the Local Enforcement Agency (LEA) for solid waste within Ventura County. Solid Waste staff serve Ventura County residents to ensure the safe handling and proper disposal of residential and commercial solid waste. Staff inspect, permits, and monitors the operation of solid waste facilities such as landfills, waste transfer processing stations, composting operations, and chipping/grinding operations. Staff also responds to complaints of illegal solid waste disposal and performs related investigations.

**Manager**

**William Stratton** - [bill.stratton@ventura.org](mailto:bill.stratton@ventura.org)  
(805) 654-2821

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# Section 13

[California Home](#)[Integrated Waste Management Board](#)[Search](#) [Index](#) [Contact Us](#) [Help](#)[Sample Construction and Demolition Debris Recycling Documents](#)[C&D Home](#)[C&D Materials](#)[C&D Ordinances](#)[Specifications](#)[C&D Recyclers Database](#)[Recycled Building Products](#)[Sustainable Building](#)[Other C&D Links](#)[Staff Contacts](#)[Publications](#)

## County of Ventura: Sample C&D Ordinance Language

Sec. 4770-2- Commercial Generator Waste Diversion Program

**Sec. 4770-2.1- Director's List of Commercial Recyclables** The Director may develop, maintain, and publish, in consultation with contract collectors and other recycling industry representatives a list of recyclables generated by commercial generators that shall be subject to the requirements of Section 47702.2. In determining what types of solid waste shall be included on the Director's list of recyclables, the Director shall consider and evaluate processing capability and capacity, market availability, and economic feasibility. Nothing in this section is intended to limit or preclude the separate collection and diversion of materials other than and in addition to those on the Director's list of commercial recyclables.

Sec. 47702.2- Recyclable Materials Separation by Commercial Generators Required - Except as provided in Section 4770-2.3 below, all commercial generators shall separate or cause to be separated from refuse and shall arrange for recycling all materials on the Directors list of commercial recyclables. In fulfillment of this requirement commercial generators may utilize drop-off and buy-back centers, independent recyclers, or the recycling services of a contract collector.

Any commercial generator not participating in the recycling services offered by contract collectors may be subject to periodic waste audits at the County's expense. The Director may provide technical assistance to ensure compliance with this section. In addition, at the request of the Director, commercial generators not participating in the recycling services offered by contract collectors shall submit to the Director at their own expense annual reports which provide information on, without limitation, the type, amount, and destination of all solid waste disposed and of each recyclable material sold or donated. Any commercial generator not participating in the recycling services offered by contract collectors shall submit to the Director at their own expense annual reports which provide information on, without limitation, the type, amount and destination of all solid waste disposed and of each recyclable material sold or donated. Any commercial generator not participating in the recycling services offered by contract collectors which fails to submit annual reports required by this section shall be required to demonstrate, to the satisfaction of the Director, that it shall accomplish waste diversion at the maximum level indicated as economically feasible by the County waste audit.

Where a property owner or manager provides commercial refuse collection service for a tenant commercial generator, that owner or manager shall also provide a recyclables collection system that is accessible and convenient for tenant use. The recyclables collection system provided for the tenants must include clearly marked containers and storage space, as well as collection. Where a recyclables collection system is established for the joint use of tenants, each tenant shall remain individually responsible for the separation of recyclables pursuant to this section. All commercial generators who have applied for a County building permit for construction and demolition projects shall ensure that materials on the Director's list of commercial recyclables specific to construction and demolition projects generated on the job site are separated from refuse and diverted from disposal.

Sec. 4770-2.3- Exemption from Section 4770-2.2 - The Director may designate certain categories of commercial generators that are exempt from the requirements of Section 4770-2.2 because they do not generate significant amounts of solid waste or recyclables. In addition any commercial generator may apply for an exemption with respect to the requirements of Section 4770-2.2 by submitting an application for such

related  
waste  
Reuse  
and  
Recycling

# Section 14

## STATE CODES, REGULATIONS AND LOCAL ORDINANCES

Note: This document consolidates the primary state laws, regulations and local ordinances pertinent to Fishback's use of materials that are in dispute. There appears to be a jurisdictional issue that involves five distinct streams of materials:

- Demolition salvage and construction reuse per Title 14, Article 5.9, section 17380(g)
- Reuse of concrete in grading per Title 14, Article 5.9, Section 17382(a)(3); Title 14, Article 5.95, section 17388(h) and (j)
- Reused materials that are returned to the "economic mainstream" (referred to as diversion) per title 14, Article 6.0, Section 17402.5
- Recycled materials that are returned to the "economic mainstream" (referred to as diversion) per Title 14, Article 5.9, Section 17381.1
- Solid waste that moves through the waste stream from point of generation to deposition per Title 14, Article 5.95, Section 17387.5

In resolving this issue Fishback is dealing with the following agencies, divisions, etc. :

- California Integrated Waste Management Board
  - Waste Prevention and Market Development
  - Diversion Planning and Local Assistance
  - Office of Public Affairs
  - Permitting and Enforcement Division
- California Water Resources Control Board
  - Landfill Permitting
  - Non Point Source (NPDES) Permitting
- Ventura County Environmental Health Division
- Ventura County Environmental and Energy Resources Division
- Regional Water Quality Control Board L.A.
  - Landfill Permitting
  - Non Point Source (NPDES) Permitting

This represents four separate agencies for each stream of materials.

**SECTION 1: STATE CODES, REGULATIONS AND LOCAL ORDINANCES:  
REUSE, RECYCLING AND DIVERSION**

*"When interpreting a statute our primary task is to determine the Legislature's intent."*  
(Freedom Newspapers, Inc. v. Orange County Employees Retirement System (1993) 6 Ca.4<sup>th</sup> 821,826.)

V.C. Ordinance 4258

Disposal and Handling of Solid Waste and Recyclable material, Health Permits and Related Fees

V.C. Ordinance 4308

Solid Waste Handling and Disposal, Waste Reduction and Waste Diversion

PRC/Title 14

Recycling and Diversion Mandates

PRC 40000(e) The reduction, recycling, or reuse of solid waste generated in the state will, in addition to preserving landfill capacity in California, serve to conserve water, energy, and other natural resources within this state, and to protect the state's environment.

PRC 40051- In implementing this division, the board and local agencies shall do both of the following:

- (a) Promote the following waste management practices in order of priority:
  - (1) Source reduction.
  - (2) Recycling and composting.
  - (3) Environmentally safe transformation and environmentally safe land disposal, at the discretion of the city or county.
- (b) Maximize the use of all feasible source reduction, recycling, and composting options in order to reduce the amount of solid waste that must be disposed of by transformation and land disposal. For wastes that cannot feasibly be reduced at their source, recycled, or composted, the local agency may use environmentally safe transformation or environmentally safe land disposal, or both of those practices.

PRC 40052 – The purpose of this division is to reduce, recycle, and reuse solid waste generated in the state to the maximum extent feasible in an efficient and cost-effective manner to conserve water, energy and other natural resources, to protect the environment, to improve regulation of existing solid waste landfills, to ensure that new solid waste landfills are environmentally sound, to improve permitting procedures for solid waste management facilities, and to specify the responsibilities

of local governments to develop and implement integrated waste management programs.

PRC 40507- (b) Commencing January 1, 1997, the board shall file annual progress reports with the Legislature covering the activities and actions undertaken by the board in the prior fiscal year. The board shall prepare, and may electronically file with the Legislature, the progress reports throughout the calendar year, as determined by the board, on the following programs:

- (1) The local enforcement agency program.
- (2) The research and development program.
- (3) The public education program.
- (4) The market development program.
- (5) The used oil program.
- (6) The planning and local assistance program.
- (7) The site cleanup program.

PRC 40507(c)(3)(A) A review of actions taken by the board to educate and inform individuals and public and private sector entities who generate solid waste on the importance of source reduction, recycling, and composting of solid waste, and recommendations for administrative or legislative actions which will inform and educate these parties.

PRC 40507(c)(3)(E) A summary of available and wanted materials, a profile of the participants, and the amount of waste diverted from disposal sites as a result of the California Materials Exchange Program established pursuant to subdivision (a) of Section 42600.

PRC 40900(a) The Legislature finds that integrated waste management plans prepared and adopted by local agencies shall conform, to the maximum extent possible to the policies and goals established under Article 1 (commencing with Section 40000) and Article 2 (commencing with Section 40050) of Chapter 1 of Part 1.

PRC 40900.1. The Legislature hereby further finds and declares all of the following:

- (a) It is important to encourage state agencies to plan and implement programs that will reduce the amount of solid waste going to disposal facilities through

source reduction, recycling, and comp g.

PRC 40950(c) To ensure a coordinated and cost-effective regional recycling system, the task force shall do all of the following:

(3) Facilitate the development of multijurisdictional arrangements for the marketing of recyclable materials.

PRC 41375. The county recycling component shall evaluate industrial, commercial, residential, governmental, and other curbside, mobile, dropoff, and buy-back recycling programs, manual and automated material recovery facilities, zoning, and building code changes which encourage recycling of materials, and rate structures which encourage recycling of materials.

PRC 41780. (a) Each city or county source reduction and recycling element shall include an implementation schedule that shows both of the following:

(2) Except as provided in Sections 41783, 41784, and 41785, for the first and each subsequent revision of the element, the city or county shall divert 50 percent of all solid waste on and after January 1, 2000, through source reduction, recycling, and composting activities.

For purposes of this section,  
PRC 41781.2(b) "Inert solids" includes rock, concrete, brick, sand, soil, fines, asphalt, and unsorted construction and demolition waste.

PRC 41781.2(c) For purposes of determining the base amount of solid waste from which the diversion requirements of this article shall be calculated, "solid waste" does not include the diversion of agricultural wastes; inert solids, including inert solids used for structural fill; discarded, white-coated, major appliances; and scrap metals; unless all of the following criteria are met:

(1) The city, county, or regional agency demonstrates that the material was diverted from a permitted disposal facility through an action by the city, county, or regional agency which specifically resulted in the diversion.

(2) The city, county, or regional agency demonstrates

that, prior to January 1, 1990, the solid waste which is claimed to have been diverted was disposed of at a permitted disposal facility in the quantity being claimed as diversion. If historical disposal data is not available, that demonstration may be based upon information available to the city, county, or regional agency which substantiates a reasonable estimate of disposal quantities which is as accurate as is feasible in the absence of historical disposal data.

(3) The city, county, or regional agency is implementing, and will continue to implement, source reduction, recycling, and composting programs, as described in its source reduction and recycling element.

PRC 41850. (a) Except as specifically provided in Section 41813, if, after holding the public hearing and issuing an order of compliance pursuant to Section 41825, the board finds that the city, county, or regional agency has failed to make a good faith effort to implement its source reduction and recycling element or its household hazardous waste element, the board may impose administrative civil penalties upon the city or county or, pursuant to Section 40974, upon the city or county as a member of a regional agency, of up to ten thousand dollars (\$10,000) per day until the city, county, or regional agency implements the element.

41900. Each city and county shall demonstrate a funding source, or sources, available to pay for preparing, adopting, and implementing the element or plan, as required by this part.

41901. A city, county, or city and county may impose fees in amounts sufficient to pay the costs of preparing, adopting, and implementing a countywide integrated waste management plan prepared pursuant to this division. The fees shall be based on the types or amounts of the solid waste, and shall be used to pay the actual costs incurred by the city or county in preparing, adopting, and implementing the plan, as well as in setting and collecting the local fees. In determining the amounts of the fees, a city or county shall include only those costs directly related to the preparation, adoption, and implementation of the plan and the setting and collection of the local fees. A city, county, or city and

county shall impose the fees pursuant to Section 66016 of the Government Code.

41902. A local agency may directly collect the fees authorized by this chapter or may, by agreement, arrange for the fees to be collected by a solid waste hauler providing solid waste collection for the city or county.

41903. A city or county may assess special fees of a reasonable amount on the importation of waste from outside of the county to publicly owned or privately owned facilities. No city or county shall export solid waste to any other jurisdiction unless the exporting city or county has, within one year following the date specified in Section 41791 or a later date established or permitted by the board, an approved city or county household hazardous waste element and a source reduction and recycling element which have both been implemented, or have submitted a countywide integrated waste management plan, and is in compliance with it, provided, however, that, until one year following the date specified in Section 41791 or a later date established by the board, nothing herein shall be construed as prohibiting the export of solid waste. The board may waive the requirements of this section if the board determines that all additional reasonable source reduction and recycling programs are being implemented in the city or county or if the board determines that the system to export waste supports or enhances the city or county source recovery and recycling element.

PRC 42000. The Legislature hereby finds and declares all of the following:

(a) This division requires cities and counties to divert 25 percent of all solid waste from landfills and transformation facilities by 1995 and 50 percent by 2000. As of 1990, the overall diversion rate in the state was 12 percent.

(b) California's source reduction, recycling, and composting efforts need to increase greatly if local jurisdictions are to meet the 25-percent and the 50-percent diversion requirements.

(c) Market development is the key to increased, cost-effective recycling. Market development includes activities that strengthen demand by

manufacturers and end-use consumers for recyclable materials collected by municipalities, nonprofit organizations, and private entities.

(d) Developing markets for recyclable materials creates opportunities that will reindustrialize California. The board estimates that the development of markets for recyclable materials may create over 20,000 jobs in California's manufacturing sector, an additional 25,000 jobs in the sorting and processing fields, and an unestimated number of jobs in other fields that may develop through full implementation of this division.

PRC 42600. The board shall establish a statewide public information and education program to encourage participation by the general public, business, government, and industry in all phases of integrated waste management. To the maximum extent possible, the public information and education program developed pursuant to this chapter shall be coordinated so as to not duplicate the efforts of other state agency public information programs for the promotion of source reduction, recycling, and composting. The public information and education program shall encourage participation in the board's integrated waste management programs and in local and regional programs. The board's program shall, at a minimum, include strategies and specific campaign activities to do all of the following:

(b) Encourage consumers to reduce waste generation through selective purchasing and to encourage recycling at home and work.

PRC 42912. (a) Not later than March 1, 2004, after holding a public hearing, the board shall do all of the following:

(1) Adopt one or more model ordinances, suitable for modification by a local agency, that the local agency may adopt that will require a range of diversion rates of construction and demolition waste materials from 50 to 75 percent, as determined by the board, and as measured by weight.

PRC 43200. (a) The board shall prepare and adopt certification regulations for local enforcement agencies. The regulations shall specify requirements that a local agency shall meet before being designated as an enforcement agency. The regulations shall include, but are not limited to, all of the following:

- (1) Technical expertise.
- (2) (A) Adequacy of staff resources.

PRC 43200 (a)(2)(B)(iii) The regulations shall establish procedures to ensure that all duties required of specified enforcement agencies pursuant to this article are actually performed.

Title 14, Chapter 4, Article 1, Section 17909- What are statewide recycling market development objectives?

Statewide recycling market development objectives focus on State of California recycled materials market development policy and needs and are defined by the Board prior to the commencement of each designation cycle. The relative importance of these objectives may change from one designation cycle to another to reflect the current recycled materials market. The relative importance of each objective will be stated at the beginning of a designation cycle in the Board's notice of commencement of each designation cycle. Statewide objectives include, but are not limited to:

- (a) To extend the landfill capacity available to the applicant's jurisdiction and region.
- (b) To encourage advance in recycling technology.
- (c) To distribute zones to encourage statewide recycling.
- (d) To stimulate the development of markets for recycled materials.

Title 14, Chapter 9, Section 18730. Scope.

(a) The Source Reduction and Recycling element (SRRE) shall specify the means by which each

jurisdiction required to prepare and implement a SRRE shall achieve the diversion mandates required by Public Resources Code section 41780 and 41780.1.

Title 14, Chapter 9, Section 18731. Goals and Objectives.

The SRRE shall include statements which define the goals and objectives for the short-term and medium-term plan periods.

(a) SRRE goals shall be consistent with the mandates of section 40051 of the Public Resources Code.

Title 14, Chapter 9, Section 18735.3. Evaluation of Recycling Program Alternatives

Each jurisdiction shall analyze the recycling diversion alternatives affecting residential, commercial, and industrial wastes. The analysis shall take into account existing recycling programs and their possible expansion in addition to the areas of concern specified in section 18733.3 of this Article.

(a) The alternatives shall include, but not be limited to, the following methods for accomplishing separation of the recyclable materials from the waste stream:

- (1) separation of recyclable materials at the source of generation, including curbside and mobile collection systems;
- (2) drop-off recycling centers;
- (3) buy-back recycling centers;
- (4) manual material recovery operations;
- (5) mechanized material recovery operations that produce a product which has a market; and
- (6) salvage at solid waste facilities.

(b) The jurisdiction shall consider changing zoning and building code practices to encourage recycling of solid wastes, such as, rezoning to allow siting of a drop-off recycling center in residential neighborhoods or revising building codes to require adequate space be allotted in new construction for interim storage of source-separated materials.

(c) The jurisdiction shall consider changing existing rate structures to encourage recycling of solid wastes.

(d) The jurisdiction shall consider the methods which it will use to increase the markets for recycled materials, including, but not limited to, changing governmental procurement programs to promote market development by giving purchase preferences to recycled products or otherwise specifying their use.

(e) The jurisdiction shall encourage handling methods which preserve the integrity of recovered materials so that they remain usable raw materials for manufacturers of recycled content products. For this purpose, the jurisdiction shall consider the extent to which separation of recyclable materials from waste can be performed as close to the point of generation as possible.

**SECTION 2: STATE CODES, REGULATIONS AND LOCAL ORDINANCES:  
AUTHORITY, SCOPE, PURPOSE AND INTENT**

*"The words of the statute must be construed in context, keeping in mind the statutory purpose, and statutes or statutory sections relating to the same subject must be harmonized, both internally and with each other, to the extent possible."*  
(Walnut Creek Manor v. Fair Employment & Housing Com. (1991) 54 Cal.3d 245,268.)

V.C. Ordinance 4258

Disposal and Handling of Solid Waste and  
Recyclable material, Health Permits and Related  
Fees

V.C. Ordinance 4308

Solid Waste Handling and Disposal, Waste  
Reduction and Waste Diversion

PRC/Title 14

Minimum standards for Solid Waste Handling &  
Disposal

Title 14, Sec. 17200. Authority.

The regulations contained herein are promulgated pursuant to Public Resources Code (PRC) sections 43020 and 43021 and Health and Safety Code section 4520. No provision of chapter 3 shall be construed as a limitation or restriction upon the board's right to exercise discretion which is vested in it by law. Nor shall any provision be construed to limit or restrict counties and cities from promulgating enactments which are as strict as or stricter than the regulations contained in this chapter. However, no city or county may promulgate enactments which are inconsistent with the provisions of this chapter. Any reference in this chapter to an enforcement agency shall be deemed to mean the enforcement agency created pursuant to Public Resources Code sections 43200-43219.

Title 14, Sec. 17202. Purpose

The purpose of these regulations is to promote the health, safety and welfare of the people of the State of California, and to protect the environment by establishing minimum standards for the handling of solid waste.

Title 14, Sec. 17203. Intent.

By adopting these standards, the board hereby sets forth performance standards for solid waste handling activities which are of state concern, as required by Public Resources Code section 43021, and sets forth minimum substantive requirements for operators' submission of information

concerning individual solid waste facilities.

Title 14, Article 5.9, Section 17380. Authority and Scope

(a) Article 5.9 sets forth the permitting requirements, tier requirements, and minimum operating standards for operations and facilities that receive, store, handle, transfer, or process construction and demolition (C&D) debris and inert debris, as defined herein. C&D debris and inert debris are specific types of solid waste that present a different potential threat to public health and safety and the environment than typical municipal solid waste, thus, can be handled with different regulatory oversight. This Article places operations and facilities that handle C&D debris and inert debris into the board's tiers to provide appropriate regulatory oversight to protect public health and safety and the environment.

Title 14, Article 5.9, Section 17380.1 Purpose

(a) It is the board's intent in adopting this Article to encourage the recycling and reuse of C&D debris and inert debris that may otherwise be disposed in a solid waste disposal facility.

(b) These regulations are intended to provide a sufficient level of information and oversight to ensure that the receipt, storage, handling, transfer, and processing of C&D debris and inert debris will be conducted in a manner which meets the purposes of the Act while protecting public health, safety and the environment.

Title 14, Article 5.95, Section 17387 Authority and Scope

(a) Article 5.95 sets forth permitting requirements, tier requirements, and minimum operating standards for operations and facilities that dispose construction and demolition (C&D) waste and inert debris. This Article is not applicable to operations and facilities that are wholly governed in regulations elsewhere in this Chapter or Title 27.

Title 14, Article 5.95 Section 17387.5 Purpose  
(a) The purpose of this Article is to promote the health, safety and welfare of the people of the State of California and to protect the environment by establishing minimum standards for the handling and disposal of C&D waste and inert debris at disposal sites.

Title 14, Article 6.0, Section 17400 Authority and Scope  
(a) Articles 6.0, 6.1, 6.2, 6.3 and 6.35 set forth permitting requirements and minimum operating standards for operations and facilities that receive, store, handle, recover, transfer, or process solid waste which are subject to the requirements of these Articles. The regulatory tier requirements of sections 17403 through 17403.9 are not applicable to operations and facilities that are subject to regulations elsewhere in this Chapter including but not limited to, Article 5.6 (commencing at section 17360); and in Chapter 3.1 (commencing with section 17850). Activities placed within the excluded tier in other parts of this Division may still be subject to these regulatory requirements.

**SECTION 3: STATE CODES, REGULATIONS AND LOCAL ORDINANCES:  
"DOES NOT APPLY"/"NOT SUBJECT TO"/"EXCLUDED ACTIVITIES"**

*"Every word, phrase, and sentence in a statute should, if possible, be given significance. [Citation]"*  
Larson v. State Personnel Bd. (1994) 28 Cal App.4<sup>th</sup> 265, 276-277.)

V.C. Ordinance 4258

Disposal and Handling of Solid Waste and Recyclable material, Health Permits and Related Fees

V.C. Ordinance 4308

Solid Waste Handling and Disposal, Waste Reduction and Waste Diversion

PRC/Title 14

Minimum standards for Solid Waste Handling & Disposal

Title 14, Division 7, Chapter 3, Article 5.9 Construction and Demolition and Inert Debris Transfer/Processing Regulatory Requirements  
Section 17380 Authority & Scope Subsection (g)

This Article does not apply to persons who generate C&D debris or inert debris in the course of carrying out construction, remodeling, repair, demolition or deconstruction of buildings, roads and other structures (collectively, "construction work") at the site of the construction work or to persons who own the land, buildings and other structures that are the object of the construction work, provided that such persons do not accept at the site any C&D debris or inert debris that is generated at any other location, unless it will be used in the construction work, and provided further that such persons do not allow C&D debris or inert debris, other than C&D debris or inert debris that is used in the construction work, to remain on the site of the construction work after the construction work is completed. For example, public works agencies constructing roads and bridges, road repair, airport runway construction, bridge and roadway work, levee work, flood control work, or landslide debris cleanup, and public or private contractors demolishing or constructing buildings are not subject to these regulations during the course of the construction work.

Section 17380(g) Final Statement of Reasons  
Section (g) this language clarifies that C&D and inert debris generated at the site of construction are not regulated by this Article. Board staff was advised that some of these construction or demolition sites may use imported recycled material to supplement the amount of material needed at the building site. This section allows this importation and use provided that the unused imported material does not remain at the site after the construction work is completed. By not allowing the unusable material to remain at the site, this language is meant to prevent CDI or inert debris processing activities or storage regulated under this Article to be

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disguised as construction activities, \ require Board oversight.

Section 17381.2. Regulatory Tiers Placement for CDI Debris and Inert Debris Processing Operations and Facilities.

Construction & Demolition and Inert Debris Tier Placement

Not Subject to Article 5.9

- Inert Debris Recycling Centers Section 17381.1
- See Section 17402.5 for other Activities Not Subject to the regulations
- Road building and specified public works activities Section 17380(g)
- Excluded Operations Tier Section 17382
- Specified Grading Activities

Title 14, Division 7, Chapter 3, Article 6.0  
Transfer/Processing Operations and Facilities  
Regulatory Requirements Sec. 17402.5 Definitions and  
Related Provisions Regarding Activities That Are Not  
Subject to the Transfer/Processing Requirements

Subsection (c)(8)

"Reuse Salvage Operation": means a person or business entity which sterilizes, dismantles, rebuilds, or renovates, nonputrescible separated-for-reuse materials, and that recovers for recycling or reuse distinct material types that have not been commingled with other materials before they enter the waste stream. Examples of this activity include, but are not limited to wire choppers, and dismantlers of furniture and mattresses, and "brown goods" such as computer equipment, VCR's, and televisions.

Section 17402.5(c)(8) Final Statement of Reasons  
(8) "Reuse Salvage Operation": means a person or business entity which sterilizes, dismantles, rebuilds, or renovates, nonputrescible separated-for-reuse materials, and that recovers for recycling or reuse distinct material types that have not been commingled with other materials before they enter the waste stream. Examples of this activity include, but are not limited to wire choppers, and dismantlers of furniture and mattresses, and "brown goods" such as computer equipment, VCR's, and televisions.

Title 14, Article 5.9, Section 17382. Excluded Activities  
(a)(3) Grading or clearing of land that is consistent with local ordinances.

Title 14, Article 5.9, Section 17382. Excluded Activities.  
(a) The following activities do not constitute CDI debris processing, inert debris processing, or chipping and grinding operations or facilities for the purposes of this Article and are not required to meet the requirements set forth herein:

- (1) Containers used to store C&D debris or inert debris at the place of generation.
- (2) Locations where 15 cubic yards or less per day of separated for reuse material is handled.
- (3) Grading or clearing of land that is consistent with local ordinances.

Title 14, Article 5.95, Section 17388.2 Excluded Activities.

(a) The following disposal activities do not constitute C&D waste or inert debris operations or facilities for the purposes of this Article and are not required to meet the requirements set forth herein:

- (1) Any use (e.g., grading) of gravel, rock, soil, sand and similar, whether processed or not, that has never been used in connection with any structure, road, parking lot, or similar use.
- (2) Engineered fill activities which have local permits as required, and are carried out in conjunction with a construction project (e.g., building and other construction, bridge and roadway work, development of pathways or riding trails, etc), and which use uncontaminated concrete and/or fully cured asphalt which has been reduced in particle size to 2" or less as part of a recycling activity and concludes within two years from commencement.
- (3) Inert debris engineered fill activities which conclude within one year of commencement and that meet all requirements of section 17388.3 of this Article, except subsections (b) inspections, (c) Plan, (d) State Minimum Standards, (g) final cover, (h) scales and submittal of EA Notification.

**SECTION 4: STATE CODES, REGULATIONS AND LOCAL ORDINANCES:  
DEPOSITIONS**

*"A court will not imply an unreasonable legislative purpose," but rather "a practical construction is preferred."*  
(California Correctional Peace Officers Assn. v. state Personnel Bd. (1995) 10 Ca.4<sup>th</sup> 1133, 1147.)

V.C. Ord. 4258

Disposal and Handling of Solid Waste and  
Recyclable material, Health Permits and Related  
Fees

V.C. Ord. 4308

Solid Waste Handling and Disposal, Waste  
Reduction and Waste Diversion

PRC/Title 14/Title 27

Minimum standards for Solid Waste Handling &  
Disposal

Title 14, Article 5.9, Section 17381(g) "Construction Work" means construction, remodeling, repair, demolition or deconstruction of buildings, other structures, roads, parking lots, and similar paved or covered surfaces.

Title 14, Article 17225.15. Construction and Demolition Wastes. "Construction and Demolition Wastes" include the waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures.

Title 27, Section 20164 "Construction and Demolition Wastes" (CIWMB) include the waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures.

PRC 40191 -- (a) Except as provided in subdivision (b), "solid waste" means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.

Title 14, Article 5.9, Section 17381(c) "CDI" means any combination of Construction and Demolition debris and Inert debris.

Title 14, Article 5.9, Section 17381(e) "Construction

and Demolition Debris", or "C&D Det. is solid waste that is a portion of the waste stream defined as "construction and demolition wastes," as defined in Section 17225.15 of Article 4 of this Chapter, and means source separated or separated for reuse solid waste and recyclable materials, including commingled and separated materials, that result from construction work, that are not hazardous, as defined in CCR, Title 22, section 66261.3 et seq., and that contain no more than 1% putrescible wastes by volume calculated on a monthly basis and the putrescible wastes do not constitute a nuisance, as determined by the EA.

(1) C&D debris includes only the following items which meet the above criteria:

(A) components of the building or structure that is the subject of the construction work including, but not limited to, lumber and wood, gypsum wallboard, glass, metal, roofing material, tile, carpeting and floor coverings, window coverings, plastic pipe, concrete, fully cured asphalt, heating, ventilating, and air conditioning systems and their components, lighting fixtures, appliances, equipment, furnishings, and fixtures;

(B) tools and building materials consumed or partially consumed in the course of the construction work including material generated at construction trailers, such as blueprints, plans, and other similar wastes;

(C) cardboard and other packaging materials derived from materials installed in or applied to the building or structure or from tools and equipment used in the course of the construction work; and

(D) plant materials resulting from construction work when commingled with dirt, rock, inert debris or C&D debris.

(2) C&D debris expressly excludes, commingled office recyclables and, except as provided in subdivision 17381 (e) above, commingled commercial solid waste and commingled industrial solid waste as they are defined in Title 27, CCR section 20164.

Title 14, Article 5.95, Section 17388(a) "C&D" means construction and demolition, as in the term "C&D waste".

Title 14, Article 5.95, Section 17388 (b) "CDI" means any combination of construction and demolition waste and inert debris.

Title 14, Article 5.95, Section 17388 (c) "Construction and Demolition Waste" or "C&D Waste" means the nonhazardous waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures.

(Title 14, Article 5.95, Section 17388d) "CDI Waste Disposal Facility" means a facility at which C&D waste, C&D waste together with inert debris (Type A or B) or inert debris (Type B) only is disposed.

PRC 40192 – (a) Except as provided in subdivisions (b) and (c), "solid waste disposal" means the final deposition of solid wastes onto land, into the atmosphere, or into the waters of the state.

(b) Except as provided in Part 2 (commencing with Section 40900), for purposes of Part 2 (commencing with section 40900), "disposal" means the management of solid waste through landfill disposal or transformation at a permitted solid waste facility.

(c) For purposes of Chapters 16 (commencing with Section 42800) and 19 (commencing with Section 42950) of Part 3, Part 4 (commencing with Section 43000), Part 5 (commencing with Section 45000), Part 6 (commencing with Section 45030), and Chapter 2 (commencing with Section 47900) of Part 7, "solid waste disposal" or "disposal" means the final deposition of solid wastes onto land.

Sec. 4701-8- Disposal- "Disposal shall mean the final deposition of solid waste onto property.

PRC 40120.1. "Disposal" has the same meaning as "solid waste disposal" as defined in Section 40192.

PRC 40121. "Disposal facility" or "facility" means any facility or location where disposal of solid waste occurs.

PRC 40122. "Disposal site" or "site" includes the

Sec. 4701-15- Inert Waste- "Inert Waste" shall mean solid waste that does not chemically decompose by natural processes, such as

Sec. 4741-13- Diversion – "Diversion" means activities that reduce or eliminate the amount of Solid Waste from Solid Waste disposal and which return these materials to the economic mainstream in the form of raw materials for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace. (See Director's List of Recyclables)

Sec. 4741-18- Inert Waste – "Inert Waste" means Solid Waste that does not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives. For purposes of this Article, Inert Waste does not include any

place, location, tract of land, area, or . . . ises in use, intended to be used, or which has been used, for the landfill disposal of solid wastes. "Disposal site" includes solid waste landfill, as defined in Section 40195.1.

PRC 40124 – "Diversion" means activities which reduce or eliminate the amount of solid waste from solid waste disposal for purposes of this division, including Article 1 (commencing with Section 41780) of Chapter 6.

Title 14, Article 5.95, Section 17388 (g) "Engineered Fill Activity" means fill that has been designed by an engineer to act as a structural element of a constructed work and has been placed under engineering inspection, usually with density testing. An engineered fill activity shall meet specifications prepared and certified for a specific project by a Civil Engineer, Certified Engineering Geologist, or similar professional licensed by the State of California and includes requirements for placement, geometry, material, compaction and quality control.

Title 14, Article 5.95, Section 17388(h) "Fill" means gravel, rock, soil, sand, uncontaminated concrete, or fully cured asphalt in conjunction with a construction project or grading.

Title 27, Chapter 2, Article 1, Section 20164 "Fill" (CIWMB) includes compacted solid waste and cover material.

Title 14, Article 5.95, Section 17388(j) "Grading" means any land excavation, filling, earth moving or combination thereof. (See Title 14, Article 5.9, Section 17382. "Excluded Activities" (a)(3) Grading or clearing of land that is consistent with local ordinances.

Title 14, Article 5.9, Section 17381(j) "Handling" means the receipt, collection, transportation, storage, transfer, or processing of solid waste and recyclable materials.

Title 14, Article 5.9, Section 17381(k) "Inert Debris" means solid waste and recyclable materials that are source separated or separated for reuse, do not

concrete, gravel, rock, soil or brick and that is not mixed with decomposable waste required to be disposed at a Class 1, 2, or 3 disposal facility unless such decomposable material is insignificant and is only included incidentally or inadvertently. Inert waste shall not include any hazardous waste or any soluble pollutants at concentrations in excess of the applicable water quality objective.

decomposable waste (Title 14, California Code of Regulations, Section 2524), or Solid Waste which is required to be disposed of in a Class 1, 2, or 3 disposal facility unless such material is included incidentally or inadvertently with inert Waste and constitutes less than five percent (5%) by volume of the Inert Waste. Inert Waste shall include, without limitation, concrete, asphalt, sand, gravel, rock, soil or brick.

contain hazardous waste (as defined in CCR, title 22, section 66261.3 et. Seq.) or soluble pollutants at concentrations in excess of applicable water quality objectives and do not contain significant quantities of decomposable waste. Inert debris may not contain more than 1% putrescible wastes by volume calculated on a monthly basis and the putrescible wastes shall not constitute a nuisance, as determined by the EA. Gravel, rock, soil, sand and similar materials, whether processed or not, that have never been used in connection with any structure, development, or other human purpose are not inert debris and may be commingled with inert debris.

(1) "Type A inert debris" includes but is not limited to concrete (including fiberglass or steel reinforcing bar embedded in the concrete), fully cured asphalt, glass, fiberglass, asphalt or fiberglass roofing shingles, brick, slag, ceramics, plaster, clay and clay products. Type A inert debris is waste that does not contain soluble pollutants at concentrations in excess of water quality objectives and has not been treated in order to reduce such pollutants. The board, upon consultation with the State Water Resources Control Board, will determine on a case by case basis whether materials not listed in this subdivision qualify as Type A inert debris.

(2) "Type B inert debris" is solid waste that is specifically determined to be inert by the applicable RWQCB, such as treated industrial wastes and de-watered bentonite-based drilling mud, but excluding Type A inert debris.

Title 14, Article 5.95, Section 17388 (k) "Inert Debris" means solid waste and recyclable materials that are source separated or separated for reuse and do not contain hazardous waste (as defined in CCR, title 22, section 66261.3 et. Seq.) or soluble pollutants at concentrations in excess of applicable water quality. Inert debris may not contain any putrescible wastes. Gravel, rock, soil, sand and similar materials whether processed or not, that have never been used in connection with any structure, development, grading or other similar human purpose, or that are uncontaminated, are not inert debris. Such materials may be commingled with inert debris.

- (1) "Type A inert debris" includes but is not limited to concrete (including fiberglass or steel reinforcing bar embedded in the concrete), fully cured asphalt, crushed glass, fiberglass, asphalt or fiberglass roofing shingles, brick, slag, ceramics, plaster, clay and clay products. Type A inert debris is waste that does not contain soluble pollutants at concentrations in excess of water quality objectives and has not been treated in order to reduce such pollutants. The board, upon consultation with the State Water Resources Control Board, will determine on a case by case basis whether materials not listed in this subdivision qualify as Type A inert debris. The board and the State Water Resources Control Board may consider statewide and site-specific factors in making this determination.
- (2) "Type B inert debris" is solid waste that is specifically determined to be inert by the applicable RWQCB, such as treated industrial wastes and de-watered bentonite-based drilling mud, but excluding Type A inert debris.

Title 14, Article 5.9, Section 17381(l) "Inert Debris Engineered Fill Operation" means a disposal activity exceeding one year in duration in which fully cured asphalt, uncontaminated concrete (including reinforcing rods embedded in the concrete), brick, ceramics, clay and clay products, which may be mixed with rock and soil, are spread on land in lifts and compacted under controlled conditions to achieve a uniform and dense mass which is capable of supporting structural loading as necessary, and having other characteristics appropriate for an end use approved by all governmental agencies having jurisdiction (e.g., roads, building sites, or other improvements) where an engineered fill is required to facilitate productive use of the land. The engineered fill shall be constructed and compacted in accordance with all applicable laws and ordinances and shall be certified by a Civil Engineer, Certified Engineering Geologist, or similar professional licensed by the State of California.

Title 14, Article 5.95 Section 17388 (l)

"Inert Debris Engineered Fill Operation" Means an activity exceeding one year in duration in which only the following inert debris may be used: fully cured asphalt, uncontaminated concrete (including steel reinforcing rods embedded in the concrete), crushed glass, brick, ceramics, clay and clay products, which may be mixed with rock and soil. Those materials are spread on land in lifts and compacted under controlled conditions to achieve a uniform and dense mass which is capable of supporting structural loading, as necessary, or supporting other uses such as recreation, agriculture and open space in order to provide land that is appropriate for an end use consistent with approved local general and specific plans (e.g. roads, building sites, or other improvements) where an engineered fill is required to facilitate productive use (s) of the land. Filling above the surrounding grade shall only be allowed upon the approval of all government agencies having jurisdiction. The engineered fill shall be constructed and compacted in accordance with all applicable laws and ordinances and in accordance with specifications prepared and certified at least annually by a Civil Engineer, Certified Engineering Geologist, or similar professional licensed by the State of California and maintained in the operating record of the operation. The operator shall also certify under penalty of perjury, at least annually, that only approved inert debris has been placed as engineered fill, and specifying the amount of inert debris placed as fill. These determinations may be made by reviewing the record of an operation or by on-site inspection.

PRC 40172. "Processing" means the reduction, separation, recovery, conversion, or recycling of solid waste.

Title 14, Article 5.9, Section 17381(v)

"Processing" means controlled separation, recovery, volume reduction, or recycling of solid waste including, but not limited to, organized, manual, automated, or mechanical sorting;

Sec. 4701-20- Recyclable Material --

"Recyclable material" shall mean any type of material that would otherwise become solid waste but, instead, is or may be recycled, and shall include material that is commingled or source separated, including green waste and other waste that may be composted or otherwise reused.

Sec. 4741-25 – Recyclables or Recycled

Materials – "Recyclables" or "Recycled Materials" means all Solid Waste that is identified for Diversion in accordance with programs determined by the Director or the Board. (See Director's List of Recyclables at [www.wasteless.org](http://www.wasteless.org) and V.C. Material Exchange at [www.vcmex.org](http://www.vcmex.org).)

Sec. 4770-1.1- Director's List of Residential

Recyclables – The Director shall develop, maintain, and publish, in consultation with Contract Collectors and other Diversion industry representatives, a list of Recyclables generated by Residential Customers ("Director's List of Residential Recyclables") that shall be subject to the requirements of Section 4770-1.2. In determining what types of Solid Waste shall be included on the Director's List of Residential Recyclables, the Director shall periodically consider and evaluate processing capability and capacity, market availability, and economic feasibility. Except as provided in Section 4770-1.4 below, each contract Collector providing services to Residential Customers shall provide for collection of all materials on the Director's List of Recyclables. Nothing in this section is intended to limit or preclude the separate collection and Diversion of materials other than and in addition to those on the Director's List of Residential Recyclables.

chipping, grinding, shredding or by the use of vehicles for spreading of waste for the purpose of recovery; and the use of conveyor belts, sorting lines or volume reduction equipment.

PRC 40180 – "Recycle" or "recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. "Recycling" does not include transformation, as defined in Section 40201.

Title 14, Article 6.0, Section 17402.5(b)(2)  
"Reuse" means the use, in the same, or similar, form as it was produced of a material which might otherwise be discarded.

Title 14, Article 6.0, Section 17402.5(c)(8)  
"Reuse Salvage Operation" means a person or business entity which sterilizes, dismantles, rebuilds, or renovates, nonputrescible separated-for-reuse materials, and that recovers for recycling or reuse distinct material types that have not been commingled with other materials before they enter the waste stream. Examples of this activity include, but are not limited to wire choppers, and dismantlers of furniture and mattresses, and "brown goods" such as computer equipment, VCR's and televisions.

Title 14, Article 4, Section 17225.61-  
"Salvaging" means the controlled removal of waste material for utilization.

Title 14, Article 6.0, Section 17402(24)  
"Salvaging" means the controlled separation of solid waste material which do not require further processing for reuse or recycling prior to transfer activities.

PRC 40190 – "Segregated from other waste material" means any of the following:

- (a) The placement of recyclable materials in separate containers.
- (b) The binding of recyclable material separately from the other waste material.
- (c) The physical separation of recyclable material from other waste material.

Title 14, 17381.1(a)(1)(A) For the purposes of this section, "separated at the point of generation" means that the material has been separated from the solid waste stream by the generator of that material or by a processor prior to receipt at a CDI recycling center and has not been commingled with other solid waste or recyclable materials. For example, each material type must be transferred in separate containers to the recycling center. Notwithstanding, cardboard, lumber and metal may be commingled in a single container.

Title 14, Article 5.9, Section 17381(y) "Separated for Reuse" means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace, and includes materials that have been "source separated". (Same definition for Article 5.95 and 6.0)

Title 14, Article 5.9, Section 17381(dd) "Source Separated" means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. (Same definition applies to Article 5.95 & 6.0)

Sec. 470 - Solid Waste - "Solid waste" shall mean solid waste, as defined under the Act, including without limitation recyclable material.

Sec 4741-31- Solid W - "Solid Waste" means those discarded wastes defined as such in the Act, whether or not these wastes are or may be designated for Diversion. For purposes of this definition, the term "discarded" shall have the meaning used for that term in the Act as provided by the Legislature and interpreted by the courts of California.

Sec 4741-33- Solid Waste Handling - "Solid waste handling" means the collection, transportation, storage, transfer or processing of solid waste.

Sec. 4741-21- Solid Waste Facility- "Solid Waste Facility" means any facility for which a Solid Waste Facility permit is required by the Act or by any regulation promulgated there under by the State of California. For purposes of this Article, Solid Waste Facility shall also mean any facility which engages in the commercial Composting, chipping, grinding or other processing of yard debris and Green Materials and the sale of products derived from these operations, whether or not any permit is required by the State of California, provided, however, unless a Solid Waste Facility permit is required by the Act, "Solid Waste Facility" shall not include publicly owned sewage treatment plants or any facility for which the processing of yard debris and Green Materials is undertaken principally for on-site horticultural or agricultural use.

PRC 40191 - (a) Except as provided in Division (b), "solid waste" means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.

(b) "Solid waste" does not include any of the following wastes:

(1) Hazardous waste, as defined in Section 40141.

(2) Radioactive waste regulated pursuant to the Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code).

(3) Medical waste regulated pursuant to the Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a solid waste landfill, as defined in Section 40195.1. Medical waste that has been treated and deemed to be solid waste shall be regulated pursuant to this division.

PRC 40194 - "Solid waste facility" includes a solid waste transfer or processing station, a composting facility, a gasification facility, a transformation facility, and a disposal facility.

PRC 40195 - "Solid waste handling" or "handling" means the collection, transportation, storage, transfer, or processing of solid wastes.

PRC 40195.1 - (a) "Solid waste landfill" means a disposal facility that accepts solid waste for land disposal, but does not include a facility which receives only wastes generated by the facility owner or operator in the extraction, beneficiation, or processing of ores and minerals, or a cemetery which disposes onsite only the grass clippings, floral wastes, or soil resulting from activities on the grounds of that cemetery.

(b) For the purposes of Article 3 (commencing

with Section 43500) and article 4 (conforming with Section 43600) of Chapter 2 of Part 4, "solid waste landfill" does not include a facility which receives only non hazardous wood waste derived from timber production or wood product manufacturing. For the purposes of the fee imposed by Section 48000, facilities which receive only non hazardous wood waste derived from timber production or wood product manufacturing shall, notwithstanding Section 48000, pay a quarterly fee to the state board on all solid waste disposed at each disposal site, which does not exceed the amount of the fee due and payable to the state board by those facilities during the 1992 calendar year.

PRC 40200(b)- "Transfer or processing station" or "station does not include any of the following.

PRC 40200(b)(2) – A facility, whose principal function is to receive, store, convert, or otherwise process wastes which have already been separated for reuse and are not intended for disposal.

**SECTION 5: STATE CODES, REGULATIONS AND LOCAL ORDINANCES:  
INSPECTION AND ENFORCEMENT**

*"The words of the statute must be construed in context, keeping in mind the statutory purpose, and statutes or statutory sections relating to the same subject must be harmonized, both internally and with each other, to the extent possible."*

(Walnut Creek Manor v. Fair Employment & Housing Com. (1991) 54 Cal.3d 245,268.)

V.C. Ordinance 4258

Disposal and Handling of Solid Waste and Recyclable material, Health Permits and Related Fees

V.C. Ordinance 4308

Solid Waste Handling and Disposal, Waste Reduction and Waste Diversion

PRC/Title 14

Minimum standards for Solid Waste Handling & Disposal

Note: For activities that "do not apply" or "not subject to" (see Section 3) there is no right of inspection or burden of proof without probable cause unless specifically specified.

Sec. 4700-2- Civil Administration and

Enforcement- The Division and its Director are hereby authorized to administer and enforce this Article in Ventura County. Except with respect to the matters that are specifically provided for within Article 3 and Article 4 or Chapter 7 of Division 4 (commencing with Section 4740 of the Ventura County Ordinance Code), as amended, the Division is hereby designated as the enforcement agency to administer and enforce the Act in Ventura County. The division shall have full authority to enforce the Act and this Article in all areas of Ventura County where applicable. Unless otherwise provided, the Division is also authorized to enforce all other regulatory state laws, regulations and standards that are or that may become applicable to solid waste.

Sec. 4785- Civil Administration and Enforcement –

The agency and its Director are hereby authorized to administer and enforce Article 3 and Article 4 of Chapter 7 of Division 4 (commencing with Section 4740 of the Ventura County Ordinance Code), as amended.

Note: Based on PRC 40051 it appears that at a minimum Environmental and Energy Resources Division enforcement should be at least equivalent to, if not superseding the authority of the Environmental Health Division (LEA).

Title 14, Article 5.95 Sec 17388.2(b)

Nothing in this section precludes the EA or the board from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity, or from taking any appropriate enforcement action, including the use of a Notice and Order. The burden of proof shall be on the owner or operator to demonstrate that the activity is excluded pursuant to this section.

Title 14, Article 5.95 Section 17388 (l)

The engineered fill shall be constructed and compacted in accordance with all applicable laws and ordinances and in accordance with specifications prepared and certified at least annually by a Civil Engineer, Certified Engineering Geologist, or similar professional licensed by the State of California and maintained in the operating record of the operation. The operator shall also certify under penalty of perjury, at least annually, that only approved inert debris has been placed as engineered fill, and specifying the amount of inert debris placed as fill. These determinations may be made by reviewing the record of an operation or by on-site inspection.

# Section 15



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**Ventura County Resource Conservation District**

P.O. Box 147 - 3380 Somis Road - Somis, California 93066 - Phone (805) 386-4685

Mr. Chris Stephens, Deputy Director  
Ventura County RMA/Planning  
800 South Victoria Avenue  
Ventura CA 93009-1740

April 7, 2006

Regarding: **Ventura County Hillside Erosion Control Ordinance 3539 and 3683**

Dear Mr. Stephens,

The Ventura County Resource Conservation District (VCRCD) has been serious in its review of the materials forwarded through the Ventura County Environmental Health Department (EHD) after our large meeting with you and related departments last December. State Regulations referenced have also been reviewed that direct the use of Construction Debris Inert (CDI) and the listing of material noted in the Integrated Waste Management diversion effort. We appreciate the courteous, professional communications that has developed between the EHD Staff and our District Engineer, Dale Dean. The exchange has increased our awareness and intention to improve communications regarding our HECO Projects.

We conclude that the Hillside Erosion Control Ordinance (HECO) has more stringent objectives than that directed by these CDI Programs and is authorized to direct development of new agricultural projects in a manner that protects or improves our resource base.

The Resource Conservation District would not allow some of these materials listed to be placed into an agricultural fill. In addition, all fills approved under this ordinance are engineered and supervised by a California Professional Engineer or Certified Engineering Geologist along with site inspections by our engineer.

We expect to continue this effort and count on the support from the Planning Division. We will extend our communications to RMA as we currently provide to VC Public Works. We will direct VCRCD Engineer, Dale dean to coordinate an efficient method of communications that can better inform those interested managers.

Sincerely

Gary Ball, President  
Ventura County Resource  
Conservation District

c. Raymond Gutierrez  
Dale Dean

# Section 16



Construction • Containers • Durable Goods • Electronics • Metal • Miscellaneous  
• Organics • Paint • Pallets • Paper • Plastic • Textiles • Wood

Call 805/289-3120 to place a FREE materials WANTED or AVAILABLE listing.  
VC Max is provided by the County of Ventura Environmental and Energy Resources Division

## AVAILABLE

### Construction

#### PNEUMATIC PRUNING SHEARS, AIR COMPRESSORS AND MORE...

Pneumatic pruning shears in good condition, 2 hp & 5 hp air compressors, pallet jack, 15 hp GE motor & pumphead with column and shaft. Call for prices.  
David Vanoni, Ventura, 805/647-1092

#### NEW! BRICKS

275 used bricks available. Must pick up and haul away.  
Peter Cronk, Ventura, 805/654-2425

#### BROKEN CONCRETE

Will deliver broken concrete to Simi and Moorpark if area is easily accessed.  
Rob Bischof, RB Excavation, Camarillo, 661/255-9461

#### NEW! BUILDING MATERIALS & GENERAL HARDWARE

Habitat for Humanity's ReStore has reasonably priced building materials & hardware for home improvement projects. Stock varies weekly.  
Ben Ghaffari, ReStore, Oxnard, 805/981-2268

#### CLEAN FILL DIRT & BASE MATERIAL

Free trucking & delivery for clean fill dirt & base material from sites around Ventura County.  
Jason Baker, GPM Sealrite, Inc., Santa Paula, 805/933-0909

#### CLEAN FILL DIRT & DELIVERY

Will deliver clean fill dirt to Simi and Moorpark, minimum of 150 cu. yards required. It must be easy to access property.  
Rob Bischof, RB Excavation, Camarillo, 661/255-9461

#### NEW! CONCRETE BLOCKS

Free. 20 concrete blocks to use for a fence or a wall. Must pick up and transport.  
Jeff Godfrey, Ventura, 805/644-9997

#### NEW! CONCRETE ROCKS & CONCRETE CHUNKS

Call for instructions to house in T.O. where you can pick up FREE concrete rocks and concrete chunks. Can be used for landscaping projects or erosion control. Easy access to house, no dogs or gates.  
Joy Scovill, T.O., 805/390-9700

#### PLYWOOD CABLE REELS

Good quality plywood cable reels, 22 in. x 12 in. x 5 in. with arbor hole. Free, available on an ongoing basis.  
Ken Goss, MWS Wire Industries, Westlake Village, 818/991-8553

Some items listed in VCMAX are not FREE.  
Please call the listing party for prices.

#### NEW! RAILROAD TIES

Free railroad ties for erosion control or landscaping projects.  
Pat Jump, Pat Jump & Associates, Ventura, 805/643-0270

#### TELEPHONE POLES & RAILROAD TIES

Free, must remove from property. No assistance provided. Various lengths, can cut on site. For landscaping & erosion control.  
Ellen Garrett, T.O., 805/371-9354

#### TOPSOIL & CLEAN DIRT

Free, must arrange own transport of clean dirt and topsoil.  
Michael Zielinski, Camarillo, 805/384-9233

#### NEW! TYVEK CONSTRUCTION MATERIAL

Tyvek is used to wrap the walls of a house during construction. 2 brand new rolls available.  
Barbara Nelson, T.O., 805/495-5147

#### ULTRA PURE BROKEN QUARTZ

Large quantities of broken quartz available. Best suited for road base but could be used for other purposes.  
Rosa Virnig, Silicon Recycling Services, Camarillo, 805/388-8683

#### NEW! USED BRICKS

FREE used bricks, in good shape. Must pick up and haul away.  
Joy G. Smith, Ventura, 805/648-3604

#### WOOD RAILROAD TIES

Wood railroad ties are free.  
Kathleen Sweet, Metro District Office, Los Angeles, 213/922-7303

Don't forget to  
**RECYCLE**  
your Xmas Tree!



Call your Recycling Coordinator (Pg 6) or your hauler for curbside pickup dates and/or Drop-off sites in your area.

### Containers

#### PLASTIC DRUMS

Plastic drums in 33 gallon and 55 gallon sizes available. No lids, good for storage, transportation of materials, or animal feeders.  
Rosa Virnig, Silicon Recycling Services, Camarillo, 805/388-8683

#### PLASTIC NURSERY CONTAINERS

Free broken plastic nursery containers.  
Tom Lucas, Performance Nursery, Moorpark, 805/529-5446

#### QUART SIZE CONTAINERS & LIDS

Over 100 plastic yogurt containers & lids available for free.  
Marianne Cline, T.O., 805/497-4993

#### TENNIS BALL CANS

Plastic tennis ball cans with metal rims available on an ongoing basis. Suitable for arts & crafts projects or holding school supplies.  
Vaughn Masthoff, Santa Barbara, 805/969-9655

### Durable Goods

#### WHITE PORCELAIN KITCHEN SINK

Like new Kroehler kitchen sink includes chopping board & is 22 in. x 33 in. wide.  
Patty Coffman, Ventura, 805/647-9631

#### NEW! 2 DENIM COUCHES

Two light blue denim couches available. In good condition and are cheap!  
Jennifer Ruiz, Camarillo, 805/388-0950

#### NEW! 60 METAL INDUSTRIAL LIGHT FIXTURES

60 metal halide lighting fixtures with 400 watt bulbs, 110/220 volts, single phase. Used in industrial buildings instead of fluorescent lights. These provide bright light, save energy and are reasonably priced.  
Paul Strong, Poly-Tainer, Inc., Simi Valley, 805/526-3424

#### NEW! CHILDS 8 SPEED BIKE

Very nice 8-speed bike has 2 airless tires and is in good shape. Free.  
Renae Pryor, Ventura, 805/653-5739

#### NEW! COUCH & LOVESEAT

Free couch & loveseat combination has multi-pillow back and bun feet. Frame and structure are great, needs cleaning or slipcovers.  
Rachelle Dior, Newbury Park, 805/480-0325

#### NEW! DECORATOR BRASS FIREPLACE SCREEN

Lovely brand new fireplace screen opens up like a fan.  
Barbara Nelson, T.O., 805/495-5147

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**DINING ROOM TABLE WITH 8 CHAIRS**

Call for details.  
Nancy Little, Calabasas, 818/222-0828

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**DUAL PANED SLIDING GLASS DOORS**

New dual paned sliding glass doors are available in various sizes at great prices.  
Ben Ghaffari, ReStore, Oxnard, 805/981-2268

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**FIBERGLASS SHELL FOR GARDEN OR POND**

Has round sloped bottom with central drain, 3.5 ft. x 14 in. deep, good condition. Used for above ground garden but could be used as fish pond. Larger 9 ft. x 3 ft and 18 ft x 7 ft. also available. Call for prices.  
Brenda DeMetropoulos, T.O., 805/497-7517

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**KITCHEN & BATH CABINETS, SINKS & COUNTERTOPS**

Reasonably priced. Good supply of both kitchen and bath cabinets, sinks and counter tops. Various sizes available.  
Ben Ghaffari, ReStore, Oxnard, 805/981-2268

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**NEW! KOEHLER SINKS**

Free - 2 small Koehler brand basins.  
Pat Jump, Pat Jump & Associates, Ventura, 805/643-0270

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**NORDIC TRACK EXERCISE MACHINE**

Nordic Track is in great condition.  
Barbara Nelson, T.O., 805/495-5147

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**OUTDOOR LIGHT FIXTURE**

Mission style porch light or entryway fixture.  
Nancy Little, Calabasas, 818/222-0828

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**NEW! SMALL SANYO FRIDGE/FREEZER**

3.2 cu. ft. stainless steel refrigerator freezer available.  
Carlos Campos, C&K Services, Ventura, 805/331-9048

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**VANITY & MARBLE TOP**

Vanity is lovely, 18 in. x 16 in. and has a marble top.  
Nancy Penner, Camarillo, 805/482-8152

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**WHITE BATHTUB**

Free cast iron bathtub for reuse in your home or use it for a water or food trough on your ranch.  
Pat Jump, Pat Jump & Associates, Ventura, 805/643-0270

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**Electronics**

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**COMPLETE PHONE SYSTEM & PHONES**

NEAX mail/phone system is ideal for small businesses. Includes server, software, manual and 6 phones. Call for price.  
Carlos Campos, C&K Services, Ventura, 805/331-9048

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**NEW! COMPUTER & KEYBOARD DUST COVERS**

Two large computer dust covers, 22 in. x 18 in. x 21 in. and a keyboard dust cover, 19 in. x 8.5 in. x 2 in. All are free.  
Laura Bryan, Ventura Co Supt. Of Schools, Camarillo, 805/383-1932

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**NEW! COMPUTER MONITOR, KEYBOARDS, MOUSE**

2 keyboards, mouse and monitor.  
Linda Martinez, Oxnard, 805/857-8812

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**NEW! HEWLETT PACKARD PRINTER**

Free HP PSC950 Printer Fax combo but the fax doesn't work. It is a great printer and also creates professional black & white picture prints.  
Joan Adams, Camarillo, 805/383-7430

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**NEW! MINOLTA COPIER**

Works great and is in excellent condition. Includes a document sorter and other extras.  
Bob DeLellis, CPA, Camarillo, 805/388-2721

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**NEW! PHONE TRAINING SYSTEMS**

20 Lab-Volt analog phone training systems available.  
Carlos Campos, C&K Services, Ventura, 805/331-9048

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**NEW! SHARP COPY MACHINE**

Free Sharp AL-1641CS copy machine. Works great, just pick up.  
Linda Martinez, Hueneme Christian School, Port Hueneme, 805/488-8781

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**NEW! SHARP FAX MACHINE**

Cheap and it works great.  
Joan Adams, Camarillo, 805/383-7430

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**NEW! SHREDDER**

Free lightweight shredder, works great.  
Joan Adams, Camarillo, 805/383-7430

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**Metal**

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**NEW! SHEET METAL AUTO PARTS**

Free. Small quantities are available on an ongoing basis. Call for information.  
Tom Plucinak, Fender Mender Body Shop, Ventura, 805/644-3791

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**Miscellaneous**

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**3-LIGHT BATHROOM FIXTURE & OTHER FIXTURES**

Taupe and white 3 light bathroom fixture. Porcelain towel rack and other items available.  
Nancy Little, Calabasas, 818/222-0828

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**NEW! 4 SCUBA TANKS**

In great condition. Need to be emptied and refilled. Call for more information and prices.  
Beth Teske, T.O., 805/492-4731

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**ART SUPPLIES WAREHOUSE**

Reuse warehouse for art supplies has ceramic tiles, colored paper, picture frames, knickknacks of every size, color and shape. It's a great place to shop!  
Cay Sanchez, Art From Scrap, Santa Barbara, 805/884-0459

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**NEW! BATHROOM CABINET, BATHTUB & SLIDING DOOR**

Bathroom wall cabinet and sliding shower door.  
Linda Martinez, Oxnard, 805/857-8812

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**BRAND NEW FLUORESCENT LIGHT TUBES**

Free. Brand new industrial quality fluorescent light tubes are 36 inches long. Can take all or part of the 36 available. F30T12/CW model number.  
Mike Webb, OSI Electronics, Camarillo, 805/383-8447

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**BRASS DOOR KNOBS**

12 door knob sets available, includes all necessary hardware.  
Nancy Little, Calabasas, 818/222-0828

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**NEW! COMPOSTING BIN WITH LID**

Free 50 gallon composting barrel with lid. Must pick up and haul away.  
Jeff Godfrey, Ventura, 805/644-9997

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**NEW! DRUM SET**

Kima drum set in good condition includes 16 in. floor Tom and 12 in. and 13 in. floor Toms on double brace stand with all hardware. Black, no snares.  
Christine Bates, Ventura, 805/642-1303

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**NEW! GLASS DISPLAY CASES, LIGHT FIXTURES & MORE...**

Warehouse is closing April 1, 2006. Charities & general public are invited to shop for display fixtures, shelving, clothing racks, lights, ladders, dollies etc. Reasonable prices. EVERYTHING MUST GO!  
Bentley Cushing, Bentley's Displays, Camarillo, 805/383-7033

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**NEW! IN-LINE SKATES**

Mission in-line skates, model XL, size 6 with extra wheels.  
Mary Vanoni, Ventura, 805/647-1092

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**NEW! KINDERGARTEN SIZED DESKS**

3 small desks and chairs.  
Linda Martinez, Oxnard, 805/857-8812

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**NEW! QUEEN SIZE BED FRAME**

FREE bedframe, no headboard or footboard.  
Linda Martinez, Oxnard, 805/857-8812

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**RATTAN FOLDING SCREEN**

Lovely Pier 1 folding screen is 6 ft. high and has 3 panels.  
Lynn Lubansky, Ventura, 805/644-1553

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**NEW! TWO LAMPS**

Two lamps, pearl colored base with peach flowers.  
Linda Martinez, Oxnard, 805/857-8812

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**VIDEOTAPE STOCK**

Used video stock in good condition available on an on-going basis. 3/4" U-matic SP.  
Kathleen Hartin, Adelphia Cable TV, Oxnard, 805/485-3888

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**NEW! VINTAGE COPPER PENNY MUG**

Vintage Copper Penny heavy restaurant mug made by Shenago China USA in perfect condition.  
Mary Vanoni, Ventura, 805/647-1092

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**NEW! WHEELED RECYCLING CARTS**

Free. 50 salvaged curbside recycling carts, some with lids, available for reuse. Can be used to start or expand a recycling program.  
Pamdee Leachman, Co. of Ventura, 805/289-3120

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**NEW! WOOD PODIUMS**

Two wood podiums or lecturns for public speaking available. Free.  
Vicki Pallan, Camarillo, 805/987-7557

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**NEW! WOOD SPINDLE CRIB**

Light wood spindle-type bars with mattress.  
Mary Vanoni, Ventura, 805/647-1092

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**Organics**

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**COMPOSTED HORSE MANURE**

Manure is available on an ongoing basis. Easy pick up in Ojai. Will assist with loading.  
Katie Smothers, Rancho de Granville, Oak View, 805/798-0234

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**COMPOSTED HORSE MANURE**

Free composted horse manure. Loader available but you haul. County line Malibu.  
Barbara Rotter, Rancho Sol Del Pacifico Horse Ranch, Malibu, 310/457-9295

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**NEW! HORSE MANURE**

Free. Fresh horse manure available on an ongoing basis at lower campus. Bring truck staff will help you load.  
Robert Williams, Ojai Valley School Lower Campus, Ojai, 805/585-9644

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**HORSE MANURE**

Quality horse manure.  
Fred Duemer, Glen Annie Ranch, Goleta, 805/968-6887

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**NEW! HORSE MANURE**

Free. Fresh clean horse manure available on ongoing basis. Will help you load or site a bin and staff will load and call you when it's full.  
Pete Carvalho, Ojai Valley School Upper Campus, Ojai, 805/646-5593 ext. 228

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**NUTRIENT RICH TWICE GROUND**

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**COMPOSTED WOOD**

Free. Very fine twice-ground nutrient soaked partly composted wood is an excellent soil builder and mulch.  
Ron Whitehurst, Rincon Vitova Insectary, Ventura, 805/643-5407

## Paint/Wax

### QUALITY RECYCLED PAINT

Available free to public and non-profit agencies. Professionally recycled & prepared latex paint for graffiti abatement and beautification projects.  
Don Sheppard, County of Ventura,  
Ventura, 805/289-3110

### RECYCLED LATEX PAINT

Free dark beige latex paint is available for graffiti clean up or beautification projects.  
Mariya Gallagher, G I Rubbish,  
Simi Valley, 805/955-4342

## Plastic

### PLASTIC CD OR DVD CASES

Plastic CD or DVD jewel cases available.  
Mary Vanoni, Ventura, 805/647-1092

### SCRAP POLYPROPYLENE & PVC

Scrap polypropylene, PVC, and polypropylene sheeting available for reuse. Scrap polypropylene can be reground and used in injection molding machines.  
Joel Dispensa, FTI Advanced Filtration,  
Oxnard, 805/604-3470

## Rubber

### FOAM RUBBER PIECES

Foam rubber scraps of various sizes available on an ongoing basis.  
Mary Ann Lish, Off the Bolt Fabrics,  
Oxnard, 805/981-4975

## Textiles

### SCRAP FABRIC

Scrap fabric available on an ongoing basis in 33 inch x 60 inch plastic bags.  
Deborah Mesker, Hearis Delight,  
Ventura, 805/648-7123

## Wood

### BROKEN WOOD BOXES

Free broken wood boxes can be used for firewood.  
Tom Lucas, Performance Nursery,  
Moorpark, 805/529-5446

### CLOSET, INTERIOR & EXTERIOR DOORS

Closet doors, interior doors, and exterior doors are all priced to sell.  
Ben Ghaffari, ReStore, Oxnard, 805/981-2268

# WANTED

## Construction

### ASPHALT CHIPS

Santa Paula Elementary School District needs asphalt chips for road base and other projects in the district. Must be delivered.  
Bob Sube, Santa Paula Elementary School District, Santa Paula, 805/933-5602

### ASPHALT GRINDINGS

Asphalt grindings needed on an ongoing basis.  
Andrew Fonseca, Performance Nursery,  
Moorpark, 805/529-5446

### BRICKS, FLAGSTONE, ROCKS

Needed for backyard landscaping project.  
Ana Monteiro, Ventura, 805/643-6405

### BROKEN CONCRETE

Needed to correct flood damage at horse rescue sanctuary. Must be delivered to our driveway.  
Lorraine Lovato, Horse Rescue,  
Ventura, 805/649-4761

### BROKEN CONCRETE

Need broken concrete for erosion control in Camarillo. You haul, no dump fee.  
Dan Mansur, Oxnard, 805/985-4189

### BROKEN CONCRETE & FILL DIRT

Need broken concrete and fill dirt on an ongoing basis. Must be delivered, no dump fee.  
Andrew Fonseca, Performance Nursery,  
Moorpark, 805/529-5446

### CLEAN FILL DIRT AND ROAD BASE MATERIAL

Needed by the Santa Paula Elementary School District. Must be delivered.  
Bob Sube, Santa Paula Elementary School District, Santa Paula, 805/933-5602

### CRUSHED ASPHALT

Crushed asphalt needed for roadbase.  
Diane Brooks, Camarillo, 805/383-6059

### FILL DIRT

We need truckloads of fill dirt for erosion control at our Horse Rescue Sanctuary. Must be delivered to our driveway.  
Lorraine Lovato, Horse Rescue,  
Ventura, 805/649-4761

### FLAGSTONE

Flagstone needed for home projects; will pick up.  
Bob Sube, Moorpark, 805/933-2162

### HARDWARE CLOTH

Non profit wildlife rescue needs 1/2" - 1" wire to make cages for rescued animals.  
Anna Reams, Wildlife Care of Ventura Co.,  
Simi Valley, 805/581-3911

### NEW! INSULATION MATERIALS

Must be free. Can use rolls or pieces of insulation.  
Lynn Allison, Fillmore, 805/524-2142

### IRRIGATION SUPPLIES

Non profit Santa Monica Mountain Conservancy needs sprinklers, valves, pressure gauges, PVC pipe, galvanized steel pipe, & glue for irrigation projects. Tax donation slips provided.  
Cheryl Tabbi, Truog-Ryding Company, Inc.,  
Westlake Village, 805/371-9222

### LARGE STORAGE CONTAINER

Water tight storage container needed on property in Foster Park. Flood damage on our property makes this a necessity. Will pay reasonable, must deliver.  
Kay or Kim Jicka, Ventura, 805/649-4218

### RIDING LAWN MOWER

Non profit Santa Monica Mountains Conservancy needs riding lawn mower for large grass areas. Tax donation slips provided or can pay a reasonable fee.  
Cheryl Tabbi, Truog-Ryding Company, Inc.,  
Westlake Village, 805/371-9222

### ROADBASE

Needed on continuing basis for the next year.  
Mary Verleux, Moorpark, 805/531-0063

### ROCK & GRAVEL ROOFING MATERIALS

Rock & gravel from rooftops needed for use on ranch roads. Must be delivered.  
Andrew Fonseca, Performance Nursery,  
Moorpark, 805/529-5446

### STEPPING STONES

Need stepping stones, free preferred.  
Marilyn Keller, Ventura, 805/644-1775

### USED BRICKS

Need free, used red bricks for household project. Will pick up - call anytime.  
Sallie Stewart, Oxnard, 805/271-0048

### USED MACHINE TOOLS & EQUIPMENT

Need all types of used metal working machine tools & equipment.  
David Lewis, Don Lewis Machinery & Equipment, Camarillo, 805/987-4160

### WOOD OR CHAIN LINK FENCING

Willing to pay reasonable amount for these materials.  
Daniel Buskupski, Bragg Live Foods,  
Goleta, 805/968-1020

## Containers

### 5 GALLON PLASTIC BUCKETS

Need 10 clean five-gallon plastic buckets for classroom projects.  
Sam Hatley, McKeever School,  
Santa Paula, 805/701-4321

### ANIMAL CARRIERS & CAGES

Non profit wildlife rescue organization needs plastic animal carriers and cages suitable for large and small animals.  
Anna Reams, Wildlife Care of Ventura Co.,  
Simi Valley, 805/581-3911

### CARDBOARD BOXES

Need small & medium sized cardboard boxes, will pick up.  
Crystal Laux, Executive Comm Systems,  
Ventura, 805/644-9525 x.126

### CARDBOARD BOXES

Local company needs small cardboard boxes suitable for shipping small parts. Will pick up.  
Terry Schuller, Ultralight Control Systems,  
Oxnard, 805/984-9104

### CARDBOARD BOXES & PACKAGING MATERIALS

Cardboard boxes of all sizes and packaging materials are needed on an ongoing basis. Will pick up.  
Michele Schaffer, Global Visions,  
T.O., 805/583-5124

### DELTA BANDSAW

Jr. High woodworking program needs vertical milling machine for metal.  
Paul Fredette, Balboa Middle School,  
Ventura, 805/289-1800 x.1172

### LARGE RECYCLING CONTAINERS

Large containers needed to hold aluminum cans and plastic bottles for a recycling program needed.  
Victor Casis, Fillmore, 805/524-2299

### NEW! OFFICE TRASH CANS

Trying to revitalize an office recycling program. Need used desk side trash containers, metal or plastic, and a few large trash cans for central collection areas.  
Rosalee Skefich, Skyworks Solutions,  
Newbury Park, 805/480-4325

### PLASTIC BUCKETS WITH HANDLES

Need approximately 20 five-gallon plastic buckets with handles for beach cleanup projects.  
Joccee Kohls, City of Ventura Partners in Progress, Ventura, 805/652-4555

### PLASTIC NURSERY CONTAINERS

Plastic nursery containers needed on an ongoing basis.  
Tom Lucas, Performance Nursery,  
Moorpark, 805/529-5446

## Durable Goods

### 2 DRAWER CREDENZA OR BUFFET TABLE

Reasonably priced credenza or buffet type table needed.  
Bill Keller, Ventura, 805/644-1775

### INFANT & TODDLER PLAY EQUIPMENT

Infant & toddler play equipment in good condition needed for childcare center.  
Trudy Cressy, Pacific High School Child Dev. Center, Ventura, 805/289-7950

The NEW interactive  
VCMAX.org website  
will be launched in  
February 2006!

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#### LABORATORY STOOLS

Oxnard High School needs lab stools for students in Science classes. No budget funds are available to purchase these.  
Kevin Flint, Oxnard High School,  
Oxnard, 805/644-3691

#### LATERAL FILE CABINET

Need 2 drawer lateral file cabinet.  
Bill Kellar, Ventura, 805/644-1775

#### NEW! OFFICE PARTITIONS & CUBICALS

Non-profit home for battered women needs these items.  
April Thompson, Many Mansions,  
T.O., 805/496-4948 x 21

#### PRESSURE WASHER

Need pressure washer. Will borrow, rent, or purchase at a reasonable price.  
Marilyn Kellar, Ventura, 805/644-1775

#### TWIN SIZE MATTRESSES, SHEETS & BLANKETS

Recovery program for men needs twin sized mattresses, box springs, sheets and blankets.  
Thomas Duffy, Shamrock House for Men,  
Oxnard, 805/486-8924

#### VACUUM CLEANERS & CARPET SHAMPOO MACHINE

Transitional residence for homeless families needs vacuum cleaners & carpet shampoo machines. Tax slips provided.  
Debbie Hyde, R.A.I.N. Project,  
Camarillo, 805/389-3308

### Electronics

#### CIRCUIT BOARDS AND MORE...

Need circuit boards, integrated circuits, gold pins, military parts. Will remove monitors & electronic products from businesses for a fee.  
Call for info  
Scott Blumenthal, Scott Scrap Service, Inc.,  
T.O., 805/443-9473

#### COMPUTERS & OFFICE EQUIPMENT

Recycling center will pick up working, non-working or obsolete computers and all electronic office equipment. Call to schedule a free pick up.  
Cynthia Maevers, Off Lease Clearing House,  
Lancaster, 661/729-2677

#### EMPTY TONER CARTRIDGES & INKJET CARTRIDGES

Ongoing need for empty toner cartridges and empty ink jet cartridges from copiers, fax machines, and printers. 55% of proceeds go to Make-A-Wish Foundation of Tri-Counties.  
Bill Eyster, Cartridges for Charity,  
Simi Valley, 805/526-8087

#### NEW! FAX & COPY MACHINES

Mother of 2 disabled children needs these, must be free.  
Renee Pryor, Ventura, 805/653-5739

#### MAGNETIC MEDIA & CARTRIDGES

We will buy up to 10,000 used computer tapes for \$10 each.  
Norm Hutton, SD Pacific, Irvine, 800/650-8666

#### NEW! OBSOLETE ELECTRONIC EQUIPMENT & COMPUTERS

Free pick up of old and non-working E-waste. Minimum of 100 pieces for or a maximum of 26 pallets of E-waste. All will be recycled.  
Josh Mealey, Off Lease Clearinghouse,  
Lancaster, 661/729-2677

#### NEW! WORKING COMPUTERS

Older, working computers will be provided to children in need throughout the county.  
Peter Schreiner, Vta. Co. Behavioral Health,  
Ventura, 805/289-3342

#### NEW! WORKING COPY MACHINE

Working copy machine needed.  
Peter Schreiner, Vta. Co. Behavioral Health,  
Ventura, 805/289-3342

### Glass

#### SLIDING PATIO DOORS & SCREENS

Need sliding glass patio doors, single or dual pane, and screens.  
Phillipe Bernard, Ojai, 805/798-3139

### Metal

#### RECYCLABLE METALS

Looking for scrap aluminum, brass, copper, and other stainless steel, and CRV recyclables. Will pick up.  
Jimmy Byas, Oxnard, 805/655-2115

#### SCRAP CHROME & SCRAP DIAMOND PLATE

Need scrap chrome and scrap diamond plate.  
Marilyn Kellar, Ventura, 805/644-1775

#### SCRAP STEEL

Will pay for scrap steel.  
James Ticer, Camarillo, 805/484-5726

### Miscellaneous

#### 3-RING BINDERS WITH CLEAR PLASTIC COVERS

Teacher needs 35 notebooks with clear plastic covers for her students. Many can't afford school supplies.  
Denise Ajani, Simi Valley, 805/527-7074

#### ARMSTRONG LINOLEUM

Discontinued "Coronelle" pattern from the 70's needed. Brownish-red brick color, linoleum rolls out but looks like 5 1/2" squares of quarry tile.  
Marilyn Kellar, Ventura, 805/644-1775

#### NEW! BOYS CLOTHES & WIDE WIDTH SHOES

Clothes and shoes desperately needed. Size 14 boys, 2X tops, and size 4 wide shoes. Teen needs 38 in. x 32 in. jeans or pants & 2X shirts & tees. Size 13 wide shoes. Both love black and baggy clothes.  
Renee Pryor, Ventura, 805/653-5739

#### BUBBLE WRAP & PACKING PEANUTS

Need free or low-cost bubble wrap & packing peanuts on an ongoing basis.  
Linda Livingston, Ventura, 805/644-0485

#### BUBBLEWRAP AND PACKAGING PEANUTS

Small local company needs bubblewrap and packaging peanuts. Will pick up.  
Terry Schuller, Ultralight Control Systems,  
Oxnard, 805/984-9104

#### CHILDREN'S VIDEOS OR DVDS

Transitional residence for homeless families attempting to get off of public assistance needs children's VHS or DVD's. Tax slips provided.  
Debbie Hyde, R.A.I.N. Project,  
Camarillo, 805/389-3308

#### Food Share Feeds People In Need!

Now, more than ever, military families, senior citizens, and children depend upon Food Share to provide them with healthy, nutritious food.



Please call us for more information or to make a donation of canned or professionally prepared food.

For information call  
805/983-7100

#### CLEAN SCRAP ITEMS FOR ART PROJECTS

Teacher needs clean discards like wire, cord, paint, & tubing to make "Build a Bug" projects.  
Denise Ajani, Simi Valley, 805/527-7074

#### NEW! FLAT CARDBOARD

Want large amounts of flat cardboard. Will pick up.  
Jimmy Byas, Oxnard, 805/655-2115

#### FOAM CORE & MAT BOARD

Needed by College art & design classes.  
Sharon Anderson, T.O., 818/364-7600 x 4370

#### HABITAT FOR HUMANITY ALWAYS NEEDS VOLUNTEERS!

Please call Ben for details.  
Ben Ghaffari, ReStore, Oxnard, 805/981-2268

#### HEAVY CARDBOARD TUBES

Need 20 large 3 ft. by 6 ft. heavy cardboard tubes for classroom projects.  
Sami Harley, McKeve School,  
Santa Paula, 805/701-4321

#### HORSE COVERS, STALLS, FEED, HAY & MISCELLANEOUS SUPPLIES

Horse Rescue sanctuary needs all of these items and saddles and tack donated.  
Lorraine Lovato, Horse Rescue,  
Ventura, 805/649-4761

#### IMITATION JEWELS OR SPARKLING BUTTONS

Artist needs imitation jewels or sparkling buttons for art projects.  
Marilyn Kellar, Ventura, 805/644-1775

#### MEN & WOMEN'S TOILETRIES

Mirrors, combs, brushes, disposable razors, nail care items, deodorant, disposable diapers, bar soap, shampoo needed for transitional residence for homeless. Tax slips provided.  
Debbie Hyde, R.A.I.N. Project,  
Camarillo, 805/389-3308

#### MODULAR OR PORTABLE BARN

Non profit is willing to pay for modular barn, just 4 pieces and a roof.  
Daniel Biskupski, Bragg Live Foods,  
Goleta, 805/968-1020

#### OLD GO-KART OR MINI-BIKE

Jr. High Science teacher needs either of these for a school biodiesel project. Tax slips available.  
Mike Shallenberger, La Cumbre Jr High School,  
Santa Barbara, 805/687-0761 x 129

#### OUTDOOR SHADE STRUCTURE

Childcare Center needs shade structure to cover sandbox play area.  
Trudy Cressy, Pacific High School Child Dev. Center, Ventura, 805/289-7950

#### PILLOWS, BLANKETS, BED SPREADS

Pillows, blankets, bed spreads needed for transitional residence for homeless families. Tax slips provided.  
Debbie Hyde, R.A.I.N. Project,  
Camarillo, 805/389-3308

#### REFRIGERATOR, MICROWAVE, TOASTER

Recovery program needs refrigerator, microwave, toaster and other kitchen items.  
Thomas Duffy, Shamrock House for Men,  
Oxnard, 805/486-8924

#### SAFE CAR SEATS

Dept. of Transportation approved car seats needed by transitional residence for homeless families. Tax slips provided.  
Debbie Hyde, R.A.I.N. Project,  
Camarillo, 805/389-3308

#### SCRAP FABRIC & SCARVES

Childcare Center needs hardbacked toddler's books, scrap fabric and scarves for playtime.  
Trudy Cressy, Pacific High School Child Dev. Center, Ventura, 805/289-7950

**Doors ■ Windows ■ Hardware ■ Appliances  
Cabinets ■ Lumber ■ Paint ■ Lighting ■  
Plumbing ■ Wall Paper ■ Electrical**

# ReStore

Habitat for Humanity

**A Building Materials Thrift Store**

167 LAMBERT ST., OXNARD

**805/981-2268**

**Open Monday-Saturday**

**9AM - 5PM**

**SUPPORT REUSE! SHOP @ RESTORE, DONATE TO THE RAIN PROJECT,  
AND LIST YOUR "REUSABLE DISCARDS" IN VCMAXI**

## SHEETS

Sheets in good condition needed for childcare center's reading & rest areas.  
Trudy Cressy, Pacific High School Child Dev. Center, Ventura, 805/289-7950

## STEPPING STONES

Need 12 in. x 12 in. stepping stones for backyard playground.  
Pat Caldwell, Ventura, 805/258-6430

## Organics

### CANNED & PROFESSIONALLY PREPARED FOOD

Surplus canned food and professionally prepared food from caterers will be redistributed to hungry families & senior citizens.  
Jewel Pedit, Food Share, Oxnard, 805/983-7100

### CLEAN TOP SOIL

Need clean top soil. Price negotiable, must deliver.  
Andrew Fonseca, Performance Nursery, Moorpark, 805/529-5446

### FREE "LIVING TREE" REMOVAL

Free removal of many kinds of living trees from your property by a landscaper. Trees will be "reused" and transplanted throughout Ventura County. No dead trees accepted.  
Kurt Jaeger, Tradetree.com, Simi Valley, 805/527-8363

### HORSE MANURE & TREE TRIMMINGS

Horse manure & tree trimmings needed on an ongoing basis.  
Tom Lucas, Performance Nursery, Moorpark, 805/529-5446

### LANDSCAPE BARK & DECORATOR GRAVEL

Decorator bark needed for landscaping project.  
Debbie Sandbrook, Ventura, 805/407-4881

### MANURE, MOLDY HAY, COFFEE GROUNDS, & MULCH

Organic grower need wood mulch, moldy hay, coffee grounds, and manure delivered. Will pay nominal fee.  
Dan Courtois, String Green Gardens, Fillmore, 805/701-0551

### PLANTS

Trees and plants wanted for landscaping.  
Roz Mullan, Dreamlandscape Design Drafting, Moorpark, 805/529-4814

### PLANTS & FLOWERS

School district needs plant materials for beautification projects at schools. Residential, nursery or grower donations welcomed.  
Bob Sube, Santa Paula Elementary School District, Santa Paula, 805/933-5602

### PLANTS AND LANDSCAPING MATERIALS

All are needed for backyard landscaping project.  
Ana Monteiro, Ventura, 805/643-6405

## ROCKS & SMALL BOULDERS

Rocks and small boulders needed for landscaping projects.  
Roz Mullan, Dreamlandscape Design Drafting, Moorpark, 805/529-4814

## TOP SOIL WITH CLAY

Meher Mount retreat in Ojai needs topsoil with clay. The soil there is like a sieve and water runs right through it.  
Lilly Weichberger, Meher Mount Retreat, Ojai, 805/640-0000

## USED COOKING OIL

Veg-Power company will pick up your used cooking oil at no charge and convert into fuel for vehicles.  
Joel Wolff, Veg-Power Systems, Ojai, 805/525-4515

## WOOD CHIPS

Meher Mount, a non-profit retreat in upper Ojai, needs fresh, litter free, ground wood chips and tree trimmings. No stumps, palms or succulents accepted.  
Lilly Weichberger, Meher Mount Retreat, Ojai, 805/640-0000

## WOOD CHIPS (NON TOXIC)

Needed for horse rescue sanctuary. Must be delivered to our driveway.  
Lorraine Lovato, Horse Rescue, Ventura, 805/649-4761

## Paint/Wax

### CANDLE WAX OR CANDLES

Need free candle wax or candles for projects.  
Mark Harris, Newbury Park, 805/376-0198

## Pallets

### WOOD PALLET

Need free pallets 40 inches by 48 inches. Will pick up in Ventura, Oxnard or nearby cities.  
Jimmy Byas, Oxnard, 805/655-2115

## Paper

### COMPUTER FEED PAPER

Striped computer feed paper needed for use on changing tables at child care center.  
Trudy Cressy, Pacific High School Child Dev. Center, Ventura, 805/289-7950

### PAPER - ALL COLORS

Need 8.5" x 11" paper - all colors. Will pick up.  
Crystal Laux, Executive Comm Systems, Ventura, 805/644-9525 x.126

## Plastic

### PACKAGING PEANUTS & BUBBLE WRAP

Packaging peanuts & bubble wrap needed. Will pick up.  
Crystal Laux, Executive Comm Systems, Ventura, 805/644-9525 x.126

## PLASTIC DRAINAGE PIPE

Plastic drainage pipe needed to drain water off trails in Santa Monica mountains.  
Al Bandel, Simi Valley, 805/526-0970

## Textile

### FABRIC FOR CHILDREN'S BLANKETS

School needs fabric and materials to make blankets for children through the "Linus Blanket" Project.  
Saci Van Breesem, Piru Canyon School District, Piru, 805/521-0636

## Wood

### PINE, HARDWOOD, OR PIECES OF MOLDING

Monte Vista Middle School students need pine, hardwood, or moldings for ongoing crafts projects. Will pick up.  
Dennis Schmidt, Monte Vista Middle School, Camarillo, 805/485-3891

### RAILROAD TIES

Non profit needs railroad ties, free preferred but can pay reasonable amount.  
Daniel Biskupski, Bragg Live Foods, Goleta, 805/968-1020

### SCRAP LUMBER

Good scrap lumber is needed for landscaping projects.  
Roz Mullan, Dreamlandscape Design Drafting, Moorpark, 805/529-4814

### WOOD CHIPS

Santa Paula Elementary School District needs wood chips for several projects in the District. Must be delivered.  
Bob Sube, Santa Paula Elementary School District, Santa Paula, 805/933-5602

### WOOD FOR REUSE

Ongoing need for wood. 2" x 3" to 12" x 12" pieces, 4 ft. or longer. Plywood in 1/4 sheets or larger. Will pick up banded material.  
Rita Gonzalez, Rarewood 2000, Oxnard, 805/889-7561

### WOOD SHELVING

Non profit animal rescue organization needs wood or wood shelving materials to construct cages for animals.  
Anna Reams, Wildlife Care of Ventura Co., Simi Valley, 805/581-3911



## Watt an Idea!

If 8 million California households replaced 2 standard 60-watt light bulbs with 2 compact fluorescent 15-watt lightbulbs (CFLs), the energy savings would equal the output of one large power plant!

To receive 2 FREE CFLs and learn more about energy efficiency training opportunities, contact the  
**Ventura County  
Energy Resource Center  
(VCERC)**

1000 Hill Road, Suite 105  
Ventura  
805/289-3335

[www/vcenergy.org](http://www/vcenergy.org)

The Ventura County Energy Resource Center is funded by California ratepayers under the auspices of the California Public Utilities Commission.

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PERMIT 2151

Return Service Requested  
from our mailing list,  
just call 805/289-3120

County  
**MAX**  
Materials  
Exchange

# VCMAX - Your Free Reuse Resource

printed on recycled paper

VISIT OUR VIRTUAL WAREHOUSE FOR REUSABLE DISCARDS AT WWW.VCMAX.ORG  
FOR THE LATEST ADS, MANURE REUSE OPTIONS, CRAFTS PROJECTS FOR KIDS, AND COUNTY  
VEHICLES & SURPLUS AVAILABLE @ AUCTION OR AVAILABLE FOR SALE

## CALL 805/289-3120 FOR MORE INFORMATION

Information provided through the Ventura County Materials Exchange (VCMAX) and this publication is supplied by the listing party. Neither VCMAX, the County of Ventura, nor any employee thereof is liable for any information, error, or representation, or makes any warranty, expressed or implied as to the accuracy of the information regarding the materials offered through VCMAX. VCMAX is not responsible for the determination of what may constitute a hazardous substance or create a hazardous situation. VCMAX reserves the right to not list a material, or edit information provided by the listing party.

## VCMAX IS MANAGED BY THE VENTURA COUNTY ENVIRONMENTAL & ENERGY RESOURCES DIVISION IN COOPERATION WITH THE 10 CITIES

### Recycling Coordinators in Ventura County

Camarillo	805/388-5392
Fillmore	805/524-1500
Moorepark	805/517-6315
Ojai	805/640-2560
Oxnard	805/385-8012
Port Hueneme	805/986-6663
Santa Paula	805/933-4219
Santa Valley	805/583-6321
Thousand Oaks	805/449-2428
Ventura	805/652-4525
Ventura Co.	805/289-3120
Unincorporated Areas	805/289-3120



The RAIN PROJECT provides a structured, safe, case-managed clean & sober living environment for individuals & families willing to help themselves break out of the cycle of homelessness, unemployment, and dependency on public assistance.

### Items Needed on an On-going Basis:

- ✓ Disposable Diapers
- ✓ Strollers
- ✓ Cribs
- ✓ Safe Car-Seats
- ✓ Pillows & Blankets
- ✓ Pots & Pans
- ✓ Tableware
- ✓ Dishes
- ✓ Toiletries:
  - disposable razors • shampoo
  - soap • combs • fingernail clippers • moisturizers • hand lotions • brushes
- ✓ Safe Toys

Donations Tax Deductable

805/389-3308 • FAX 805/484-7585

Site Address:  
1732 Lewis Road  
Camarillo

Mailing Address:  
79 Dally Drive, PMB 187  
Camarillo, CA 93010-5807

### Material Exchange Information

- ☐ Wanted ☐ One time only  
☐ Available ☐ Recurring  
☐ Free: Estimate weight \_\_\_\_\_  
☐ Price (must be less than \$100) \_\_\_\_\_

Describe nonhazardous material, include amount, number available, container size, etc. \_\_\_\_\_

Check appropriate category for this material (one box only):

- |  |                                    |                                  |
|--|------------------------------------|----------------------------------|
| <input type="checkbox"/> Construction  | <input type="checkbox"/> Metal     | <input type="checkbox"/> Plastic |
| <input type="checkbox"/> Containers    | <input type="checkbox"/> Organics  | <input type="checkbox"/> Rubber  |
| <input type="checkbox"/> Durable Goods | <input type="checkbox"/> Paint/Wax | <input type="checkbox"/> Textile |
| <input type="checkbox"/> Electronic    | <input type="checkbox"/> Pallets   | <input type="checkbox"/> Wood    |
| <input type="checkbox"/> Glass         | <input type="checkbox"/> Paper     | <input type="checkbox"/> Misc.   |

Contact Name: \_\_\_\_\_

Title: \_\_\_\_\_

Name of Business: \_\_\_\_\_

Type of Business: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

e-mail: \_\_\_\_\_

Web Site: \_\_\_\_\_

### MAIL OR FAX TO:

VCMAX • Ventura County Environmental & Energy  
Resources Division (EERD)  
1000 Hill Road, Ste. 100 • Ventura, CA 93003  
805/289-3120 • FAX 805/289-3102



# BUSINESS RECYCLABLES LIST


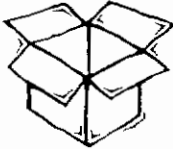

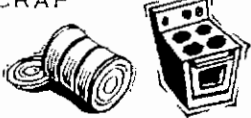

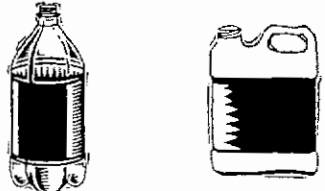
## THE DIRECTOR'S LIST OF COMMERCIAL RECYCLABLES



Pursuant to Section 4770-2.1 of the Codified Ordinances of the County of Ventura, the following materials, if generated in significant quantities, must be diverted from disposal by all commercial generators of waste located in unincorporated Ventura County.

### SECTION 1: STANDARD RECYCLABLES

Items in Section 1 are generally collected together as part of a "commingled" (mixed together) recycling system. Some trash/recycling haulers and drop-off locations accept an even broader range of materials than are included on this mandatory list. Consult your selected hauler or drop-off site to determine which additional materials are accepted and how to best handle them.


<b>ALUMINUM</b> 	<b>CARDBOARD</b> 	<b>GLASS BOTTLES</b> 	<b>METALS: CANS, APPLIANCES &amp; SCRAP</b> 
<b>PAPER: OFFICE PAPER, NEWSPAPER, MAGAZINES &amp; PHONE BOOKS</b> 	<b>PLASTIC BOTTLES</b>  #1 P.E.T.E.    #2 H.D.P.E.		

### SECTION 2: ORGANIC MATERIALS

Businesses are required to recycle organics, by having landscapers haul them to a chipping/grinding or composting facility, arranging for on-site collection by a commercial hauler, or managing them on-site, such as by mulching or composting.

<b>GRASS</b> 	<b>LANDSCAPE TRIMMINGS*</b>  <small>*NO PALM FRONDS, SUCCULENTS, YUCCA AND IVY</small>	<b>WOOD* (INCLUDING PALLETS)</b>  <small>*EXCEPT PALM TRUNKS</small>
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### SECTION 3: CONSTRUCTION & DEMOLITION WASTE

	<u>ASPHALT</u>	<u>BRICK</u>	<u>BRUSH</u>	<u>DIRT/EARTH</u>
	<u>CONCRETE</u>	<u>METAL</u>	<u>WOOD</u>	<u>ROCKS</u>

HAZARDOUS WASTE (INCLUDING USED MOTOR OIL) MUST BE DISPOSED OF LEGALLY, NEVER IN TRASH CANS! CONTACT MSE ENVIRONMENTAL AT 805/987-0717 FOR MATERIALS DISPOSAL PRICING AND APPOINTMENTS

LIST PUBLISHED BY THE VENTURA COUNTY ENVIRONMENTAL & ENERGY RESOURCES DEPARTMENT (805) 289-3333

# REQUIRED!

## Construction & Demolition Debris Waste Diversion Plan

Ventura County Environmental & Energy Resources • 805/289-3114 •  
Fax: 805/289-3102 • 1000 Hill Road, Suite 100 • Ventura, CA 93003

### Form B Recycling Plan

Form to be completed for:

☐ Construction ☐ Demolition

Date: \_\_\_\_\_

Project Name: \_\_\_\_\_

Applicant: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Description of Land Use/Business Type(s): \_\_\_\_\_

I received the list of Construction and Demolition Debris Recyclers in Ventura County. Yes ☐ No ☐

### Construction

Demolition on reverse...→

☐ Please provide the following information related to your project.

Total square footage (or other appropriate measurement)  
of structures/features being **constructed/remodeled**: \_\_\_\_\_

Primary building materials that will be used in the construction/remodel: \_\_\_\_\_

Complete the table for the materials indicated, as well as any other materials that will be recycled, reused or salvaged during the project's construction.

**NOTE: if the Waste Diversion Method or Recycling/Disposal Company is unknown at this time, still check the materials that will be diverted and provide an explanation in the Comments column.**

Material	Waste Diversion Method * (indicate #, see below)	Company (recycling, demolition, salvage, etc.) or Disposal Site	Comments
<input type="checkbox"/> Brick			
<input type="checkbox"/> Cardboard			
<input type="checkbox"/> Concrete			
<input type="checkbox"/> Drywall			
<input type="checkbox"/> Glass			
<input type="checkbox"/> Landscape & Brush Clearing			
<input type="checkbox"/> Metals			
<input type="checkbox"/> Paint			
<input type="checkbox"/> Pallets			
<input type="checkbox"/> Wood			

**PER COUNTY ORDINANCE 4308, YOU ARE REQUIRED TO RECYCLE ALL MATERIALS  
ON THE DIRECTOR'S LIST OF RECYCLABLES GENERATED BY THIS PROJECT. PLEASE  
READ & SIGN THE "AGREEMENT TO DIVERT WASTE" ON THE OTHER SIDE.**

#### \*Waste Diversion Methods:

1. On-site reuse (crush concrete for road base, chip brush for mulch).
2. Recycler/hauler picks up.

3. Self haul to recycler or reuse operation.
4. Other (explain).

## Demolition

☐ Please provide the following information related to your project.

Total square footage of everything being **demolished** (including concrete, etc): \_\_\_\_\_

Primary **building materials** of the structure being demolished: \_\_\_\_\_

**Complete the table for the materials indicated, as well as any other materials that will be recycled, reused or salvaged during the project's demolition.**

**NOTE: if the Waste Diversion Method or Recycling/Disposal Company is unknown at this time, still check the materials that will be diverted and provide an explanation in the Comments column.**

Material	Waste Diversion Method * (indicate #, see below)	Company (recycling, demolition, salvage, etc.) or Disposal Site	Comments
<input type="checkbox"/> Appliances			
<input type="checkbox"/> Brick			
<input type="checkbox"/> Cabinets			
<input type="checkbox"/> Concrete			
<input type="checkbox"/> Doors			
<input type="checkbox"/> Drywall			
<input type="checkbox"/> Glass			
<input type="checkbox"/> Metals			
<input type="checkbox"/> Pipe			
<input type="checkbox"/> Windows			
<input type="checkbox"/> Wood			
<input type="checkbox"/> Other (describe):			

### \*Waste Diversion Methods:

1. On-site reuse (e.g. crushing concrete for road base, chipping brush for mulch)

2. Recycler/hauler/salvager picks up.

3. Self haul to recycler or reuse operation.

4. Other (explain).

## Agreement to Divert Waste

- ☐ I agree to divert from disposal the recyclable materials indicated in this Waste Diversion Plan. I understand that upon the completion of this construction and/or demolition project, **I MUST PROVIDE LEGIBLE COPIES OF WEIGHT TICKETS, RECEIPTS, OR INVOICES** for materials sent to recycling or salvage facilities. If receipts or weight tickets are not available for inerts or salvaged materials, I must provide documentation to the County, on Company letterhead, identifying the type of materials recycled or salvaged, where they were taken, and the tons - or cubic yards - that were recycled or reused.

Waste diversion will not be feasible on this project because:

- ☐ Salvaging materials from the demolition will add more than 10% to the project's demolition costs. Attached is documentation of these costs. (Such as written bids from demolition contractors).

☐ Other (explain): \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

# REQUIRED!

## Construction & Demolition Debris Waste Diversion Reporting Form

Ventura Co. Environmental & Energy Resources Dept • 805/289-3114  
Fax: 805/289-3102 • 1000 Hill Rd., Suite 100 • Ventura, CA 93003

### Form C Reporting

Form to be completed for:  
☐ Construction ☐ Demolition



Date: \_\_\_\_\_ Project period covered in this report: From \_\_\_\_\_ To \_\_\_\_\_

Project Name: \_\_\_\_\_ Project Number: \_\_\_\_\_

Applicant: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

### Construction

Demolition on reverse....→

Complete the table for all materials that were generated by this CONSTRUCTION project.

Material	Tons, Cubic Yards, Quantity or Other Measure	Waste Diversion Method * (indicate #, see below)	Company or Disposal Site (recycling, demolition, salvage, etc.)	Descriptions/Comments
Brick				
Cardboard				
Commingled Recyclables (bottles, cans, etc.)				
Concrete				
Dirt (clean)				
Drywall				
Glass				
Landscape & Brush Clearing				
Metals				
Paint				
Rocks				
Wood/Pallets				
Other (describe):				
Mixed Trash				

#### \*Waste Diversion Methods:

1. On-site reuse (e.g. crushing concrete for road base, chipping brush for mulch)
2. Recycler/hauler picks up.

3. Self haul to recycler or reuse operation.
4. Other (explain).

See file 14  
17402.5 (CX8)

### Construction Waste Receipts/Documentation

This Reporting Form must be accompanied by legible copies of weight tickets, receipts, or invoices for materials sent to recycling or salvage facilities. If a facility cannot provide you with a receipt, please ask them to provide you with documentation (on their letterhead) noting the project number, the material(s) recycled or salvaged, and an estimate of the weight or cubic yards of the recycled or reused material. **RECEIPTS OR DOCUMENTATION ARE REQUIRED!**

Signature & Title: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

## Demolition

Complete the table for all materials that were generated by this **DEMOLITION** project.

Material	Tons, Cubic Yards, Quantity or Other Measure	Waste Diversion Method * (Indicate #, see below)	Company or Disposal Site (recycling, demolition, salvage, etc.)	Descriptions/Comments
Appliances (water heaters, air conditioners, etc.)				
Brick				
Cabinets				
Concrete				
Doors				
Drywall				
Fixtures (shower stalls, sinks, toilets, hardware, etc.)				
Garage Doors				
Glass				
Metals (describe)				
Pipe				
Windows				
Wood				
Other (describe)				
Mixed Trash				

**\*Waste Diversion Methods:**

- |  |   |
|--|---|
| 1. On-site reuse (e.g. crushing concrete for road base, chipping brush for mulch)<br>2. Recycler/hauler/salvager picks up. | 3. Self haul to recycler or reuse operation.<br>4. Crew took/kept for future projects.<br>5. Other (explain). |
|--|---|

### Demolition Waste Receipts/Documentation

This Reporting Form **must** be accompanied by legible copies of weight tickets, receipts, or invoices for materials sent to recycling or salvage facilities. If a facility cannot provide you with a receipt, please ask them to provide you with documentation (on their letterhead) noting the project number, the material(s) recycled or salvaged, and an estimate of the weight or cubic yards of the recycled or reused material. **RECEIPTS OR DOCUMENTATION ARE REQUIRED!**

Signature & Title: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Comments: \_\_\_\_\_

# Section 17

December 22, 2005

Bill Miller  
12000 Stockton Road  
Moorpark, CA 93021

### **9372 STOCKTON ROAD HILLSIDE EROSION CONTROL PLAN**

On December 21, 2005, the area proposed for the fill activity at 9372 Stockton Road was inspected. During the inspection, Environmental Health Division (EHD) determined that the activity would fill an eroded area using concrete rubble for a base and then covering the concrete rubble base with 6 to 10 feet of clean soil. It was also determined that the fill activity would be concluded within one year. Currently, there are piles of concrete rubble and soil stored on site awaiting use as fill as soon as an enforcement action taken by the Ventura County Resource Management Agency (RMA) has been settled.

According to California Code of Regulations (CCR), Title 14, Section 17388.2 (a) (3) this fill activity is defined as an excluded engineered fill. An excluded engineered fill shall comply with the following:

1. CCR, Title 14, Section 17388.3 (a). Submit a copy, to this Division, of the fill activity's waste discharge requirements (WDR) or a letter of exemption from the Los Angeles Regional Water Quality Control Board (LARWQCB).
2. CCR, Title 14, Section 17388.3 (e). Report to the California Integrated Waste Management Board, and EHD, the total amount of inert debris deposited when the fill activity is completed.
3. CCR, Title 14, Section 17388.3 (f). File a detailed description of the fill area, including a map, date the fill activity was completed, and the boundaries including height and depths of the fill area when the fill activity is completed. This information must be filed with the Ventura County Recorder, Ventura County RMA Environmental Health Division Solid Waste Section, and Ventura County Public Works Agency Environmental and Energy Resources Division.

The WDR or a letter of exemption from the LARWQCB shall be submitted to EHD by February 1, 2006. Items 2 and 3 shall be submitted at completion of the fill activity. Enclosed is a list of contacts to help you with these requirements.

If you have any questions please call me at 805/654-2434.

*Rich R. Hanger, R.E.H.S. (pm)*

STEVEN C KEPHART, R.E.H.S.  
ENVIRONMENTAL HEALTH DIVISION  
SOLID WASTE SECTION

Enclosure

c: Dale Dean (w/enclosure)  
Rod Nelson (w/o enclosure)  
Chris Stephens (w/o enclosure)

December 21, 2005

Tom and Charlotte Crocker  
10148 Stockton Road  
Moorpark, CA 93021

### **10148 STOCKTON ROAD HILLSIDE EROSION CONTROL PLAN**

Based upon the information received at my September 2005 site inspection and our site meeting on December 16, 2005, the Environmental Health Division (EHD) determined that the fill activity authorized under the Hillside Erosion Control Plan for 10148 Stockton Road included the use of concrete and was concluded within one year. According to California Code of Regulations (CCR), Title 14, Section 17388.2 (a) (3), this fill activity is defined as an excluded engineer fill activity. An excluded engineer fill activity shall comply with the following.

1. CCR, Title 14, Section 17388.3 (a). Submit a copy, to EHD, of either waste discharge requirements or a letter of exemption from the Los Angeles Regional Water Quality Control Board.
2. CCR, Title 14, Section 17388.3 (e). Report to the California Integrated Waste Management Board and EHD the total amount of inert debris deposited.
3. CCR, Title 14, Section 17388.3 (f). File a detailed description of the fill area, including a map, date the fill activity was completed, and the boundaries including height and depths of the fill area. This information must be filed with the Ventura County Recorder, Ventura County Environmental Health Division Solid Waste Section, and Ventura County Public Works Agency Environmental and Energy Resources Division.

The above requirements shall be completed by January 24, 2006. Enclosed is a list of contacts to help you comply with these requirements. If you have any questions please call me at 805/654-2434.



STEVEN C KEPHART, R.E.H.S.  
ENVIRONMENTAL HEALTH DIVISION  
SOLID WASTE SECTION

Enclosure

- c: Dale Dean, Ventura County Resource Conservation District (w/o Encl)
- Rod Nelson, LARWQCB (w/o Encl)
- Chris Stephens, RMA Planning Division (w/o Encl)

**Contact Information**  
**Title 14, § 17388.2 Excluded Activates**

Los Angeles Regional Water Quality Control Board  
320 W. Fourth Street, Suite 200  
Los Angeles, CA 90013]  
Rod Nelson  
213-620-6119

CIWMB, Permitting & Enforcement Div., MS 15  
PO Box 4025  
Sacramento, CA 95812-4025  
Cathleen Oliver  
916-341-6312

Ventura County Environmental Health Division  
Solid Waste Section  
800 S. Victoria Avenue  
Ventura, CA 93009-1730

Ventura County Recorder  
800 S. Victoria Avenue  
Ventura, CA 93009  
805-654-2290

Ventura County Environmental & Energy Resources Division  
1000 Hill Rd. Suite 100  
Ventura, CA 93003  
805-289-3106

March 22, 2004

Karen Jefferson  
Edward Jefferson  
2294 Worthing Lane  
Los Angeles, CA 90077-1300

**MEETING ON MARCH 10, 2004 REGARDING BALCOM CANYON SOLID WASTE  
DISPOSAL CEASE AND DESIST ORDER, ISSUED MARCH 4, 2004**

The purpose of this letter is to memorialize the items discussed during the March 10, 2004 meeting regarding the subject Cease and Desist Order, issued by the Environmental Health Division as the Local Enforcement Agency (LEA). The meeting was attended by representatives of the Ventura County Planning Division, LEA, yourselves, and your consultant, Philip Sherman, P.E.

The following items were discussed:

1. The LEA received your letter, dated March 8, 2004, stating that all concrete disposal or placement was ceased immediately upon receipt of the LEA inspection report dated December 24, 2003.
2. It is the LEA's understanding that you intend to obtain the proper permit(s) or exclusion(s) from the LEA and other agencies as required, and that you have already been in contact with the Ventura County Public Works Agency.
3. You stated that the concrete received at your parcel during the latter part of 2003 was for emergency roadwork repair and for engineered fill for erosion control.
4. You stated that you do not intend to remove the concrete, and that you intend to obtain an exclusion from LEA permit requirements and will provide necessary documentation to the LEA relative to exclusion determination requirements.

5. The LEA requires the following information from you to determine if your project conforms to the exclusion requirements delineated in California Code of Regulations, Title 14, Section 17388.2(3):
- a. Provide a certification by a Civil Engineer or Engineering Geologist, stating that the engineered fill activity that was conducted during 2003 was placed with proper compaction and geometry for its intended purpose.
  - b. Provide a copy of Waste Discharge Requirements (WDRs) OR a letter of exemption from WDRs issued by the Los Angeles Regional Water Quality Control Board.

Contact: Rodney Nelson at 213/620-6119

Note that the Cease and Desist Order, dated March 4, 2004, remains in effect, and that the information required for an exclusion as referenced in Item 5 (above) is due by August 31, 2004, in accordance with the timeframe established by the Order.

If you have any questions, or feel that any of the above items do not accurately reflect the items discussed, please contact Barry Marczuk at 805/654-2859.



WILLIAM STRATTON, MANAGER  
TECHNICAL SERVICES SECTION  
ENVIRONMENTAL HEALTH DIVISION

- c: Gloria Goldman, Planning Division  
Leslee Newton-Reed, CIWMB  
John Macanas, CIWMB  
Phillip Sherman, P.E.  
Rodney Nelson, LARWQCB

February 18, 2004

Douglas W. Burhoe, Jr.  
A.J. Diani Construction Company  
270 Quail Court  
Santa Paula, CA 93060

**BURHOE FARMS LANDFILL, APN NUMBERS 163-0-020-745, 163-0-020-775,  
163-0-031-365 AND 163-0-031-375, MOORPARK, CALIFORNIA**

This letter is to notify you that on February 24, 2004, California Code of Regulations Title 14 (14 CCR), Division 7, Chapter 3.0, Article 5.95 Construction and Demolition Waste and Inert Debris Disposal Regulatory Requirements will become effective. Based on information received by the Environmental Health Division Solid Waste Program staff on February 10, 2004 and February 17, 2004, it has been determined that the Burhoe Farms Landfill, APN numbers 163-0-020-745, 163-0-020-775, 163-0-031-365, and 163-0-031-375, is subject to these new regulations.

The Burhoe Farms Landfill must comply with the new regulatory requirements as an Inert Debris Engineered Fill Operation (14CCR, Section 17388.3), and must also comply with the Enforcement Agency Notification requirements set forth in 14 CCR, Division 7, Chapter 5.0, Article 3.0, commencing with Section 18100. The Notification filing, waste discharge requirements or a letter of exemption obtained from the Los Angeles Regional Water Quality Control Board, and an Operation Plan (14 CCR, Section 17390) must be sent to the Environmental Health Division, "returned receipt requested", no later than February 24, 2004.

Enclosed is an Enforcement Agency Notification form, a copy of 14 CCR, Article 5.95 Construction and Demolition Waste and Inert Debris Disposal Regulatory Requirements, and the Enforcement Agency Notification commencing with Section 18100.

If you have any questions, please contact me at 805/654-2434.

*Steven C. Kephart*

STEVEN C. KEPHART, R.E.H.S.  
SOLID WASTE SECTION  
ENVIRONMENTAL HEALTH DIVISION

Enclosures

c:

~~Reel 1 m. Muranaka Farm, Inc. (w/ Encls)~~

~~Thomas J. Kawakami, Fortune Fund Capital LLC (w/ Encls)~~

# Section 18

Sec. 4760-1 - **Solid Waste Facility Franchise or Contract Required** - No Person shall establish or operate a Solid Waste Facility in the unincorporated area of the County unless, at the County's sole option, either (1) a non-exclusive or exclusive franchise has been granted by the Board to such Person in accordance with the provisions of applicable law or (2) the Board has entered into a contract with such Person to establish or operate a Solid Waste Facility.

Sec. 4760-2 - **Solid Waste Facility Franchise or Contract Provisions** - Each Solid Waste Facility Franchise or Contract may include, but shall not be limited to, provisions that govern the following activities: facility administration and record-keeping, tonnage tracking and reporting, rate regulation, waste diversion programs, County regulatory fees and charges, environmental and permit compliance, financial assurance, performance surety, default and remedies, and assignment.

Sec. 4770 - **WASTE DIVERSION REQUIREMENTS** - The purpose of this section and its subsections is to provide for the implementation of residential and commercial Diversion programs by Contract Collectors that will assist in achieving the Diversion goals established in the Act.

Sec. 4770-1 - **Residential Customer Diversion Requirements**

Sec. 4770-1.1 - **Director's List of Residential Recyclables** - The Director shall develop, maintain, and publish, in consultation with Contract Collectors and other Diversion industry representatives, a list of Recyclables generated by Residential Customers ("Director's List of Residential Recyclables") that shall be subject to the requirements of Section 4770-1.2. In determining what types of Solid Waste shall be included on the Director's List of Residential Recyclables, the Director shall

periodically consider and evaluate processing capability and capacity, market availability, and economic feasibility. Except as provided in Section 4770-1.4 below, each contract Collector providing services to Residential Customers shall provide for collection of all materials on the Director's List of Residential Recyclables. Nothing in this section is intended to limit or preclude the separate collection and Diversion of materials other than and in addition to those on the Director's List of Residential Recyclables.

Sec. 4770-1.2 - Supply and Use of Separate Containers for Residential Recyclables - Each Collector shall supply to each of its Residential Customers and each Residential Customer shall accept, except to the extent such Residential Customer is determined to be exempt pursuant to Section 4770-1.4, a collection container designated for the separate deposit of Green Materials by the Residential Customer and a collection container designated for the separate deposit of commingled Recyclables by the Residential Customer. The Collector's supply of such containers shall be in addition to other containers supplied by the collector for Solid Waste generally. Where it would be more feasible, the Collector may, upon the written approval of the Director, supply containers for use in common by several Residential Customers provided such Residential Customers have access to each type of container required by this section. As a part of its Regular Collection Service, each Collector shall collect Green Materials and commingled Recyclables from such containers, if any, deposited therein by the Residential Customer. The Collector shall keep these materials separate from non-Recyclable Solid Waste, take measures to minimize contamination, and shall handle these materials in a manner which ensures that they are recycled or otherwise diverted from disposal.

Sec. 4770-1.3 - Pricing Incentives for Residential Waste Diversion - Each Collector providing services to Residential Customers shall offer multiple levels of service and pricing incentives which encourage the separation of Recyclables from refuse, and which discourage disposal. These levels of service and associated pricing, which may include variable container rates, shall be designated and approved in advance by the Director. The Director may exempt a Contract Collector from some or all of the requirements of this section if the Director determines that offering multiple levels of service is not economically feasible.

Sec. 4770-1.4 - Exemption from Section 4770-1.2 - The Director may exempt a Contract Collector from some or all of the requirements of Section 4770-1.2 if the Director determines that supplying separate containers for commingled Recyclables is not economically feasible, or if the materials designated on the Director's List of Residential Recyclables can be otherwise separated and effectively diverted from disposal. In addition, there shall be an exemption available for Green Materials containers as provided in this section. If such exemption is granted in accordance with this section, the Collector shall not be required to supply a separate Green Materials container to the exempt Residential Customer and the exempt Residential Customer shall not be charged the additional fee applicable to that container that would otherwise be allowed. Any Residential Customer may apply for an exemption with respect to the Green Materials container by submitting an application for such exemption to the Director. A form for application of the exemption shall be prepared by the Director and supplied to anyone requesting such application. The Director may require that such application be signed under penalty of perjury by the person

applying for the exemption. Based upon such application and, if requested by the Director, an inspection of the premises affected, the Director may exempt such Residential Customer if the Director finds that either of the following is true: (a) that the Residential Customer does not generate any significant Green Materials; or (b) that the Residential Customer is Composting or causing to be composted, or is otherwise ensuring that other Persons compost or divert, whatever Green Materials are generated by the Residential customer. If the applicant refuses to allow an inspection, the Director may deny the application. As a further condition of granting such exemption, the Director may require that the Residential Customer consent to continuing inspection of the affected premises at any reasonable time; that the Residential Customer remain in compliance with the requirements of the exemption as provided in this section; and that the Residential Customer comply with all state and local laws and regulations governing Composting. The Director may revoke any exemption that has been granted at any time the Director determines that the Residential Customer is no longer qualified for the exemption or is not complying with the terms and conditions of the exemption. Any exemption issued by the Director, and any denial or revocation of the same, shall be in writing. The Director shall mail or deliver a copy of any exemption, or denial or revocation, to the Residential Customer and to the Contract Collector from whom such Residential Customer obtains services.

**Sec. 4770-2 - Commercial Customer Waste Diversion Requirements**

**Sec. 4770-2.1 - Director's List of Commercial Recyclables** - The Director may develop, maintain, and publish, in consultation with Contract Collectors and

other Diversion industry representatives, a list of Recyclables generated by Commercial Customers ("Director's List of Commercial Recyclables") that shall be subject to the requirements of Section 4770-2.2. In determining what types of Solid Waste shall be included on the Director's List of Commercial Recyclables, the Director shall consider and evaluate processing capability and capacity, market availability, and economic feasibility. Except as provided in Sec. 4770-2.5 below, each Contract Collector providing services to Commercial Customers shall separate or cause to be separated from refuse and shall arrange for Diversion all materials on the Director's List of Commercial Recyclables. Compliance with the Diversion requirements of this section is mandatory for Contract Collectors providing Regular Collection Service and Temporary Collection Service. Nothing in this section is intended to limit or preclude the separate collection and Diversion of materials other than and in addition to those on the Director's List of Commercial Recyclables.

Sec. 4770-2.2 - **Regular Collection Service: Supply and Use of Separate Recyclables Containers for Commercial Customers** - Each Contract Collector providing Regular Collection Service shall supply to each of its Commercial Customers and each Commercial Customer shall accept, unless such Commercial Customer is determined to be exempt pursuant to Section 4770-2.5, one or more collection containers, as appropriate, designated for the separate deposit of materials on the Director's List of Commercial Recyclables by the Commercial Customer. The Collector's supply of such containers shall be in addition to other containers supplied by the Collector for Solid Waste generally. Where it would be more feasible, the Collector may, upon the written approval of the Director, supply containers for use in common by several Commercial Customers provided such Commercial Customers